

## Gillispie, Anna E

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**From:** Groom, Molly M  
**Sent:** Monday, February 13, 2017 8:44 PM  
**To:** Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Valverde, Michael; Kerns, Kevin J; Neufeld, Donald W; McCament, James W; Ruppel, Joanna; Emrich, Matthew D; Davidson, Andrew J; Meckley, Tammy M; Alfonso, Angelica M; Atkinson, Ronald A; Melero, Mariela; Rogers, Debra A; Hatchett, Doline L; Levine, Laurence D; Young, Todd P; Walters, Jessica S; Farnam, Julie E; Busch, Philip B; Franke, Evan R; Miller, Caitlin E  
**Subject:** Preliminary injunction in EDVA

This evening, the District Court for the Eastern District of Virginia issued a preliminary injunction in Aziz v. Trump. The Court enjoins the government from enforcing Section 3(c) of the Executive Order, “Protecting the Nation from Foreign Terrorist Entry into the United States,” as applied to “any person who has a Virginia residence or is employed by or attends an educational institution administered by the Commonwealth of Virginia, and who, as of 5:00 p.m. Eastern Standard Time on Friday, January 27, 2017, was lawfully admitted for permanent residency in the United States, held an immigrant visa that would entitle the bearer to be lawfully admitted for permanent residency upon admission to the United States, held a valid student visa (or accompanying family or spousal visa), or held a valid work visa (or accompanying family or spousal visa).”

OCC has reviewed the court’s order and decision and believes that, by virtue of our compliance with the nationwide temporary restraining order that the Ninth Circuit recently upheld, USCIS is already in compliance with this latest injunction and does not need to take any further affirmative steps.

Please let us know if you have any concerns.

**Itemized Costs Worksheet**  
(Dollars in thousands)

Requirement	Component	Itemized Cost	Description of Itemized Cost	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021		FY 2022		FY 2023		FY 2024		Notes
				Cost (\$000)	FTE	Cost (\$000)	FTE	Cost (\$000)	FTE	Cost (\$000)	FTE	Cost (\$000)	FTE	Cost (\$000)	FTE	Cost (\$000)	FTE	Cost (\$000)	FTE	
Asylum Travel funds	USCIS/RAIO	\$ 8,597,872	TDY travel	\$ 8,598	0	\$ 14,237	0	\$ 14,522	0	\$ 14,827	0	\$ 15,153	0	\$ 15,471	0	\$ 15,796	0	\$ 16,128	0	
Asylum Overtime funds (Existing Staff)	USCIS/RAIO	\$ 1,545,600	Overtime funding	\$ 1,547	0	\$ 2,640	0	\$ 2,756	0	\$ 2,877	0	\$ 3,004	0	\$ 3,136	0	\$ 3,274	0	\$ 3,418	0	
Asylum Equipment for Detention Sites	USCIS/RAIO	\$ 122,894	Scanners, printers, and other computer equipment	\$ 123	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	
Network Installation for Detention Sites	USCIS/OIT	\$ 274,644	Network Installation	\$ 275	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	
Fraud Detection and National Security New Staff	USCIS/FDNS	\$ 11,747,399	FDNS Pay	\$ 11,747	107	\$ 49,214	429	\$ 51,379	429	\$ 53,640	429	\$ 56,000	429	\$ 58,464	429	\$ 61,037	429	\$ 63,722	429	
Fraud Detection and National Security New Staff	USCIS/FDNS	\$ 11,179,233	FDNS Modular Costs	\$ 11,179	0	\$ 9,143	0	\$ 9,326	0	\$ 9,522	0	\$ 9,731	0	\$ 9,936	0	\$ 10,144	0	\$ 10,357	0	
Fraud Detection and National Security New Facilities	USCIS/FDNS	\$ 15,000,000	FDNS Expanded Facilities	\$ 3,750	0	\$ 11,250	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	
HR Information Technology	USCIS/OIT	\$ 6,400,000	Initial Estimate/Placeholder pending OIT assessment of costs	\$ 6,400	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	
				\$ 43,619	107	\$ 86,484	429	\$ 77,983	429	\$ 80,866	429	\$ 83,888	429	\$ 87,007	429	\$ 90,251	429	\$ 93,625	429	

## Gillispie, Anna E

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**From:** Sohrakoff, Karen A  
**Sent:** Friday, February 10, 2017 6:37 AM  
**To:** Ruppel, Joanna; Farnam, Julie E; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Emrich, Matthew D; Davidson, Andrew J  
**Cc:** Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Palmer, Ann M; Prelogar, Brandon B; Levine, Laurence D; Sohrakoff, Karen A  
**Subject:** RE: TRIG Cases  
**Attachments:** Briefing Memo -TRIG Hold Policy 2.9.17 (final) FOUO.docx; Attachment A - TRIG Exemption Authorities as of February 2017.docx; Attachment B- TRIG Holds by Form Type and Nationality as of 2.1.17 (Updated).xlsx; Attachment C - SPC Paper - TRIG Natz 318 10-30-16.docx; Attachment D - Draft PM Elimination of TRIG hold policy.doc

Hello,

Please find attached a briefing memo for AD1 on the USCIS TRIG hold policy and four attachments responsive to your request.

Thank you,  
Karen

K. Sohrakoff  
RAIO TRIG Program Branch Chief



U.S. Citizenship  
and Immigration  
Services

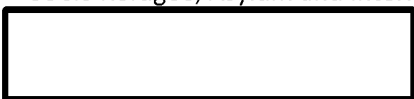
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**From:** Ruppel, Joanna  
**Sent:** Monday, February 06, 2017 4:22 PM  
**To:** Farnam, Julie E; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Emrich, Matthew D; Davidson, Andrew J; Sohrakoff, Karen A  
**Cc:** Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Palmer, Ann M; Prelogar, Brandon B; Levine, Laurence D  
**Subject:** RE: TRIG Cases

Since I believe that RAIO was tasked with the lead on this for USCIS, I would like to suggest that Karen Sohrakoff, copied here, take the lead on this. She already did a data call and has put together some numbers. Also, I know that the USCIS Office of Policy and she have been working on identifying some preliminary issues.

Joanna

Joanna Ruppel  
Acting Associate Director  
USCIS Refugee, Asylum and International Operations Directorate



(b)(6)

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**From:** Farnam, Julie E  
**Sent:** Monday, February 06, 2017 4:19 PM  
**To:** Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek,

Lisette E; Ruppel, Joanna; Emrich, Matthew D; Davidson, Andrew J

**Cc:** Renaud, Tracy L; Young, Todd P; Walters, Jessica S

**Subject:** TRIG Cases

Good afternoon,

Could your office put together a briefing paper for AD1 that looks at the following issues:

1. TRIG cases that are currently on hold and for which there is no exemption right now.
  - a. Number of cases
  - b. Cases broken down by country
  - c. Considerations as to whether we should deny these cases
2. A summary of pending TRIG exemption requests and the status of those requests.
3. List of current exemptions.

This paper is to help inform the decision as to whether we should we deny or continue to hold TRIG cases based on the recent Executive Order. Section 6 of the "Protecting the Nation from Foreign Terrorist Entry into the United States" Executive Order states:

"Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memorandum."

Please provide me with a draft no later than COB Friday, February 10th.

Thank you,  
Julie Farnam  
Senior Advisor  
Field Operations Directorate  
U.S. Citizenship and Immigration Services

 (b)(6)



**BRIEFING MEMO FOR THE ACTING DIRECTOR**

(b)(5)

**Recommendation to Eliminate the USCIS Terrorism-Related  
Inadmissibility Grounds (TRIG) Hold Policy**

February 9, 2017



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**BRIEFING MEMO FOR THE ACTING DIRECTOR**



(b)(5)

**BRIEFING MEMO FOR THE ACTING DIRECTOR**

## **Overview of TRIG Exercises of Exemption Authority (as of February 2017)**

The TRIG Exercises of Authority and USCIS Implementation Memos are available at:

<http://www.uscis.gov/laws/terrorism-related-inadmissibility-grounds/terrorism-related-inadmissibility-grounds-exemptions>

<i><b>Situational Exemptions</b></i>			
<u>Date of Exercise of Authority</u>	<u>Name</u>	<u>Covered Activity</u>	<u>Relevant Links</u>
February 26, 2007	Material Support Under Duress	Material support under duress to Tier III terrorist organization.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
April 27, 2007	Material Support Under Duress	Material support under duress to Tier I and II terrorist organizations.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
January 7, 2011	Solicitation of Funds or Members Under Duress	Solicitation, under duress, of funds or other things of value to, or soliciting individuals for membership in, Tier I, II or III terrorist organizations.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
January 7, 2011	Military Training Under Duress	Receiving military training under duress from or on behalf of a Tier I, II or III terrorist organization.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
October 13, 2011	Voluntary Provision of Medical Care	Voluntary provision of medical care by alien to persons associated with terrorist activities or organizations. <sup>1</sup>	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
August 10, 2012	Certain Applicants with Existing Immigration Benefits (referred to as the “Limited General Exemption”)	Applies to applicants with existing immigration benefits, who had selected voluntary, non-violent associations and/or activities with qualified Tier 3 terrorist organizations. <sup>2</sup>	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
February 5, 2014	Certain Limited Material Support	Certain aliens who provided limited material support to a Tier III organization, to a member of such organization, or to an individual they knew, or reasonably should have known, committed or planned to commit	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>



		<p>a terrorist activity.</p> <p>Covers, under certain circumstances, routine commercial transactions, routine social transactions, certain humanitarian assistance, and support provided under substantial pressure that does not rise to the level of duress (“sub-duress pressure”).</p>	
February 5, 2014	Insignificant Material Support	<p>Certain aliens who provided insignificant material support to an undesignated terrorist organization, to a member of such organization, or to an individual they knew, or reasonably should have known, had committed or planned to commit a terrorist activity</p> <p>Covers, under certain circumstances, material support that is insignificant, i.e. minimal in amount and that which the applicant reasonably believed would be inconsequential in effect.</p>	<p><u>Exercise of Authority</u> <u>USCIS Implementation</u> <u>Memo</u></p>
January 18, 2017	<p>Afghan Civil Servants</p> <p>(b)(5)</p>	<p>Activities for aliens employed in civil service positions by the Islamic Emirate of Afghanistan between September 27, 1996 and December 22, 2001</p>	<p><b>*Exercise of Authority was not published in the FR or posted to <u>www.uscis.gov</u></b></p> <p><b>*USCIS implementation memo has not been issued due to pause in the issuance new policy guidance</b></p>

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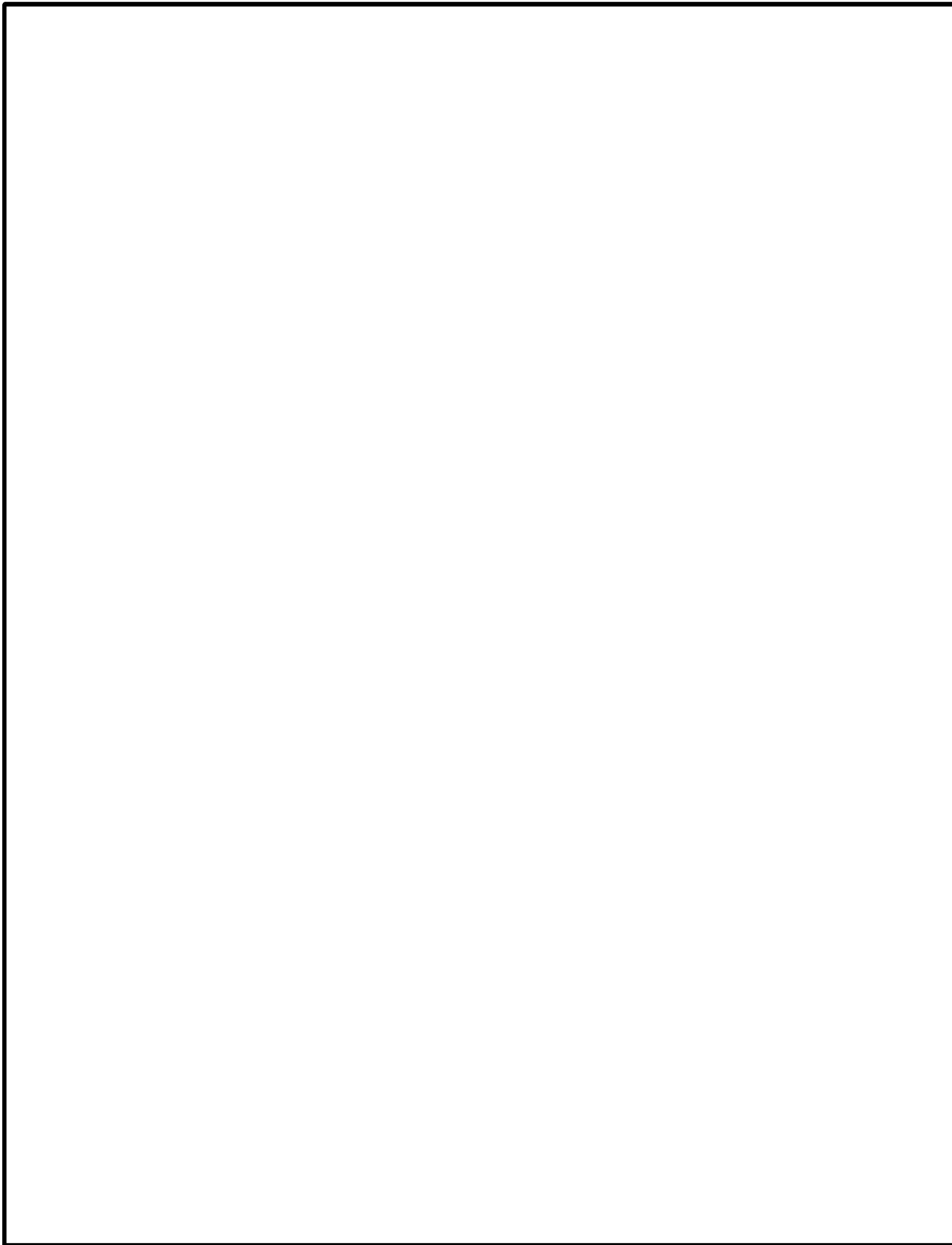


<i>Group-Based Exemptions</i>			
<u>Date of Exercise of Authority</u>	<u>Name</u>	<u>Covered Activity</u>	<u>Relevant Links</u>
June 18, 2008	10 Named Organizations in the Consolidated Appropriations Act of 2008 (CAA)	Associations and/or activities with one of the named groups prior to December 26, 2007 not otherwise covered by the automatic relief provisions of the CAA. <sup>1</sup>	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
September 21, 2009	Iraqi National Congress (INC), Kurdish Democratic Party (KDP) and the patriotic Union of Kurdistan (PUK)	Voluntary activities and/or associations with the INC, KDP or PUK. <sup>2</sup>	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
October 16, 2010	All India Sikh Student's Federation – Bittu Faction (AISSF-Bittu)	Voluntarily provided material support to AISSF-Bittu.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
December 16, 2010	All Burma Student's Democratic Front (ABSDF)	Voluntary activities and/or associations with ABSDF.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
June 4, 2012	Kosovo Liberation Army (KLA)	Voluntary, non-violent activities and/or associations with the KLA.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
August 17, 2012	Iraqi Uprisings	Participation in the Iraqi uprisings against the government of Saddam Hussein in Iraq from March 1 through April 5, 1991.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>
April 3, 2013	FMLN and ARENA	Voluntary activities and/or associations with the FMLN or ARENA in the context of civil war activities directed against military, intelligence or related forces of the Salvadoran Government.	<a href="#"><u>Exercise of Authority (FMLN)</u></a> <a href="#"><u>Exercise of Authority (ARENA)</u></a> <a href="#"><u>USCIS Implementation Memo</u></a>
October 17, 2013	Ethiopian People's Revolutionary Party (EPRP)	Certain voluntary activities and/or associations relating to the EPRP. <sup>3</sup> (The EPRP meets the definition of a Tier III terrorist organization prior to January 1, 1993.	<a href="#"><u>Exercise of Authority USCIS Implementation Memo</u></a>

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		Adjudicators are directed to consult country conditions for activities and/or associations after January 1, 1993.)	
October 2, 2013	Oromo Liberation Front (OLF)	Certain voluntary activities and/or associations relating to the OLF. <sup>3</sup>	<u>Exercise of Authority</u> <u>USCIS Implementation</u> <u>Memo</u>
October 17, 2013	Tigray People's Liberation Front (TPLF)	Certain voluntary activities and/or associations relating to the TPLF. <sup>3</sup> (The TPLF meets the definition of a Tier III terrorist organization prior to May 1991. Adjudicators are directed to consult country conditions for activity and/or associations after May 1991.)	<u>Exercise of Authority</u> <u>USCIS Implementation</u> <u>Memo</u>
October 17, 2013	Democratic Movement for the Liberation of Eritrean Kunama (DMLEK)	Certain voluntary activities and/or associations relating to the DMLEK. <sup>3</sup>	<u>Exercise of Authority</u> <u>USCIS Implementation</u> <u>Memo</u>
October 17, 2013	Eritrean Liberation Front (ELF)	Certain voluntary activities and/or associations relating to the ELF. <sup>3</sup> (The ELF meets the definition of a Tier III terrorist organization prior to January 1, 1992. Adjudicators are directed to consult country conditions for activity and/or associations after January 1, 1992.) <sup>4</sup>	<u>Exercise of Authority</u> <u>USCIS Implementation</u> <u>Memo</u>
March 11, 2016	Certain Burmese Groups  (b)(5)	Voluntary activities and/or associations with the named groups, provided that the activity did not involve targeting noncombatant persons or U.S. interests. <sup>5</sup>	<u>Exercise of Authority</u> <u>USCIS Implementation</u> <u>Memo</u>

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Current as of Feb 1, 2017

TRIG Holds	Form Type									
Country of Citizenship	I-485	I-589	I-590	I-730	I-821	I-881	I-918	N-366	N-400	Grand Total
AF - Afghanistan	82	1		2					9	94
AL - Albania	2									2
AM - Armenia	3			3						6
AO - Angola	27									27
BG - Bangladesh	68	35		65						168
BK - Bosnia and Herzegovina	24								19	43
BM - Burma	52								14	66
BR - Brazil	1									1
BY - Burundi	19									19
CA - Canada									2	2
CB - Cambodia	4									4
CD - Chad	5									5
CE - Chechnya	1									1
CE - Sri Lanka (Ceylon)	25			10					4	39
CF - Congo	41			3						44
CG - Dem. Rep. Congo	55			36					2	93
CH - China	3									3
CM - Cameroon	3								1	4
CO - Colombia	9			1					2	12
CU - Cuba	35								1	36
EG - Egypt	1									1
EL - Ireland									2	2
ER - Eritrea	83	3	11						7	104
ES - El Salvador	10				2	2			8	22
ET - Ethiopia	53	2		1					45	101
GA - Gambia	1									1
GG - Georgia	1									1
GH - Ghana	4									4
GM - Germany				3						3
GT - Guatemala	21					5			1	27

Direct

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HA - Haiti	3			8					11
HR - Croatia	2								2
ID - Indonesia	6								6
IN - India	35		9		1		2		47
IR - Iran	24		1				2		27
IS - Israel	3								3
IV - Ivory Coast	38		13						51
IZ - Iraq	22	1					2		25
JO - Jordan	2					1	2		5
KE - Kenya	8						1		9
KO - Kosovo	3						1		4
KU - Kuwait	2								2
LA - Laos	1								1
LE - Lebanon	13								13
LI - Liberia	39		9				1		49
LY - Libya	3								3
MK - Macedonia	1				1				2
MN - Myanmar	1								1
MR - Mauritania	5	1					2		8
MX - Mexico	2								2
NG - Niger	1								1
NI - Nigeria	7								7
NP - Nepal	6		1	9					16
NS - Suriname	1								1
NU - Nicaragua	9			2			2		13
PE - Peru	1								1
PK - Pakistan	110	1	3				11		125
PS - Palestine	6								6
RP - Philippines	6								6
RS - Russia	2		1						3
RW - Rwanda	6		2						8
SG - Senegal	21		3				2		26
SL - Sierra Leone	10		2				1		13
SO - Somalia	10			1					11



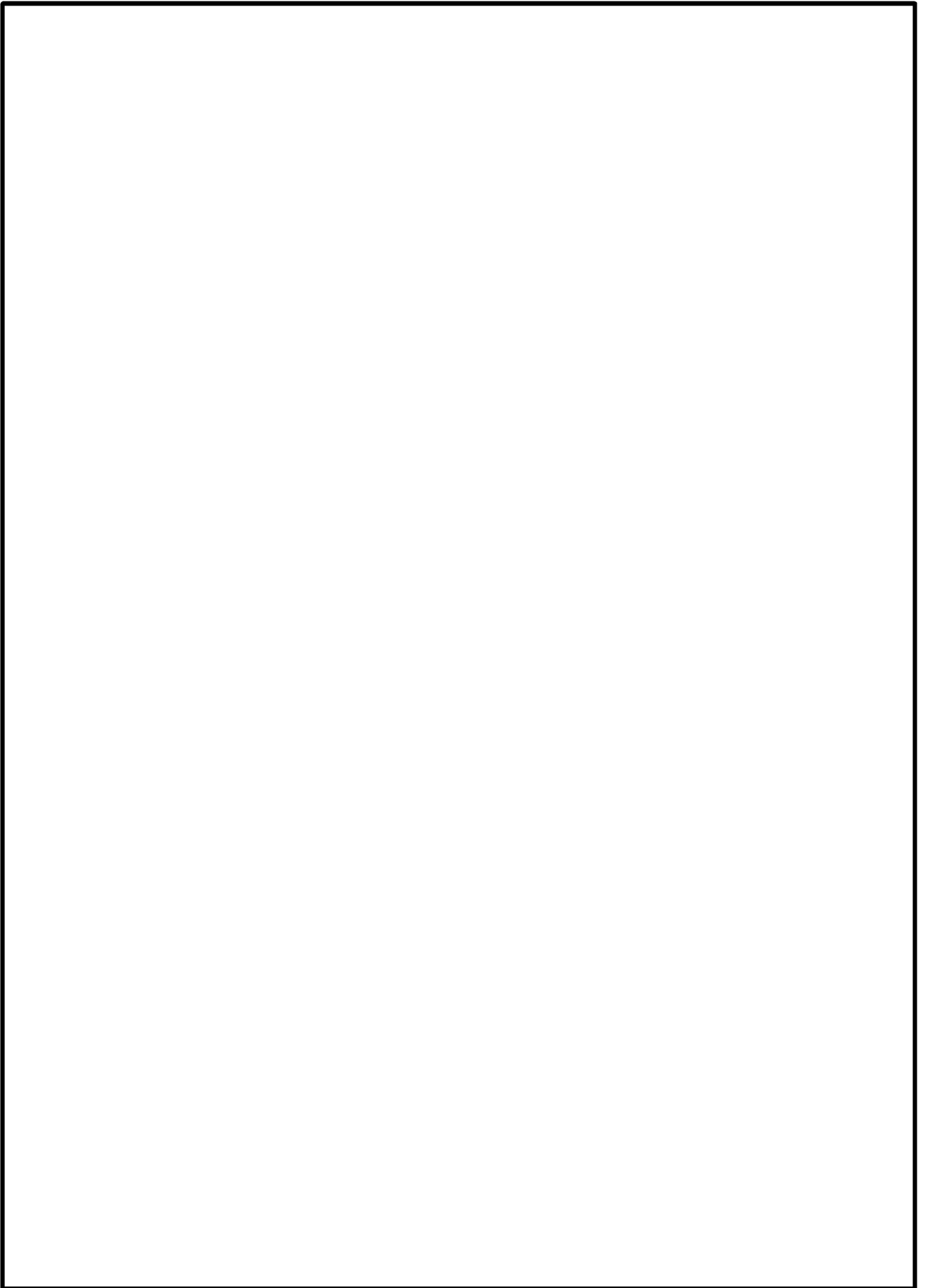
SR - Serbia	2									2
SU - Sudan	75			2	9				5	91
SY - Syria	7	2		1	10					20
TI - Tajikistan	2									2
TO - Togo	20			3					1	24
TU - Turkey	1									1
UG - Uganda	12	1							1	14
UK - United Kingdom	2									2
UV - Burkina Faso (UVolta)	1									1
VE - Venezuela	2									2
VM - Vietnam	2								1	3
YE - Yemen (Sanaa)	6	1								7
YM - Yemen	1				1					2
YO - Yugoslavia	7									7
ZA - Zambia	2									2
ZI - Zimbabwe	8	1		2						11
<b>Grand Total</b>	<b>1192</b>	<b>49</b>	<b>11</b>	<b>176</b>	<b>42</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>154</b>	<b>1634</b>

**Senior Policy Council – Briefing Paper**

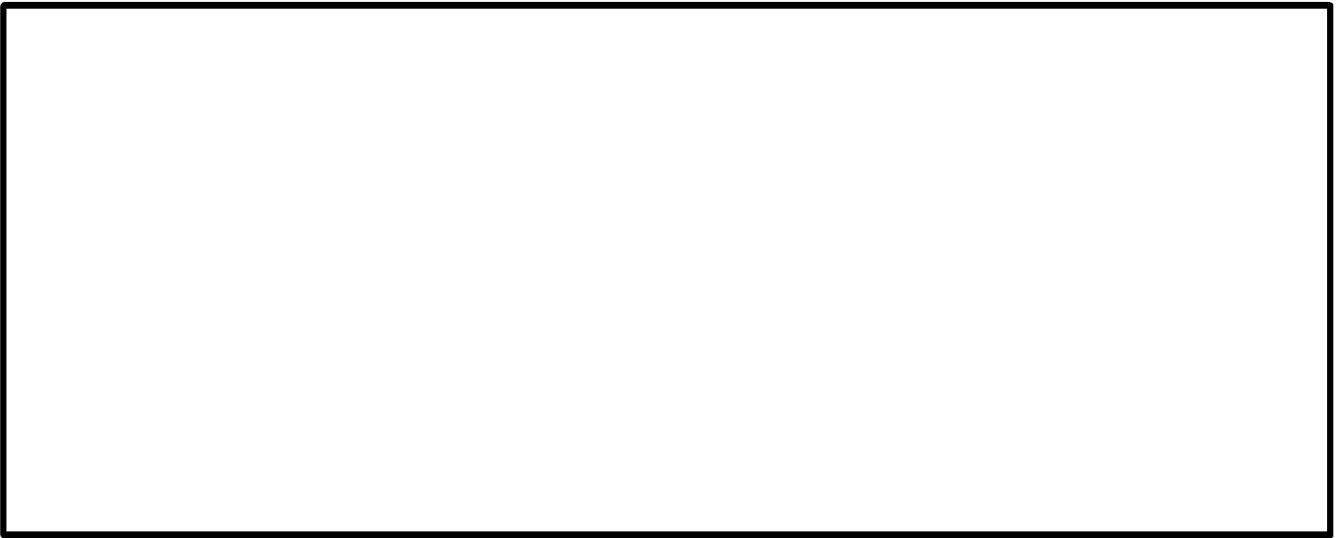
***TRIG Exemptions & INA § 318***

POCs: OCC/FOD

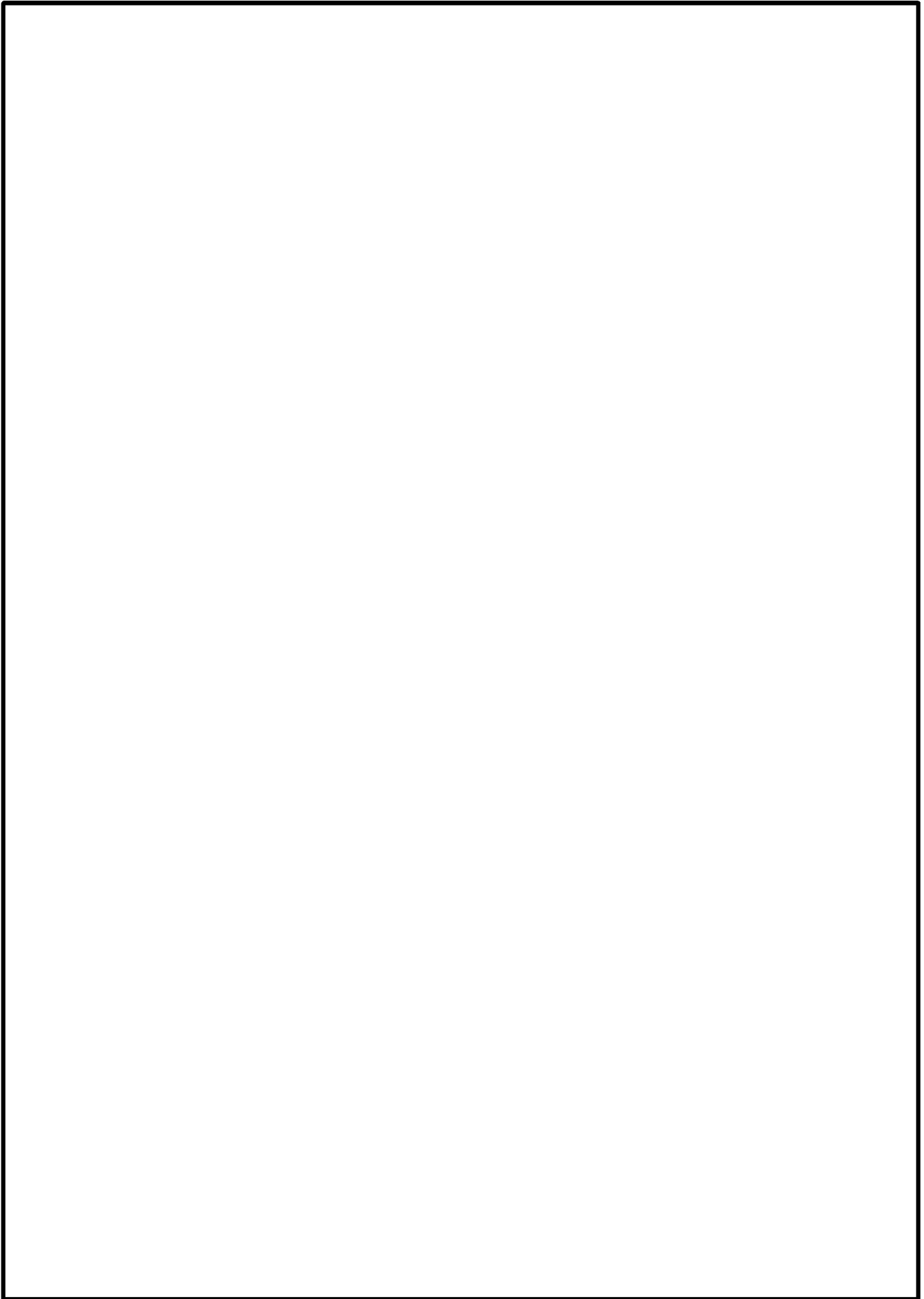
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U.S. Citizenship  
and Immigration  
Services

PM-XXX-XXXX

## Policy Memorandum

SUBJECT: Revised Guidance for Processing Cases Involving Terrorism-Related  
Inadmissibility Grounds and Elimination of the Hold Policy for Such Cases

### Purpose

This policy memorandum (PM) eliminates the agency hold policy for cases involving association or activity triggering terrorism-related inadmissibility grounds (TRIG).

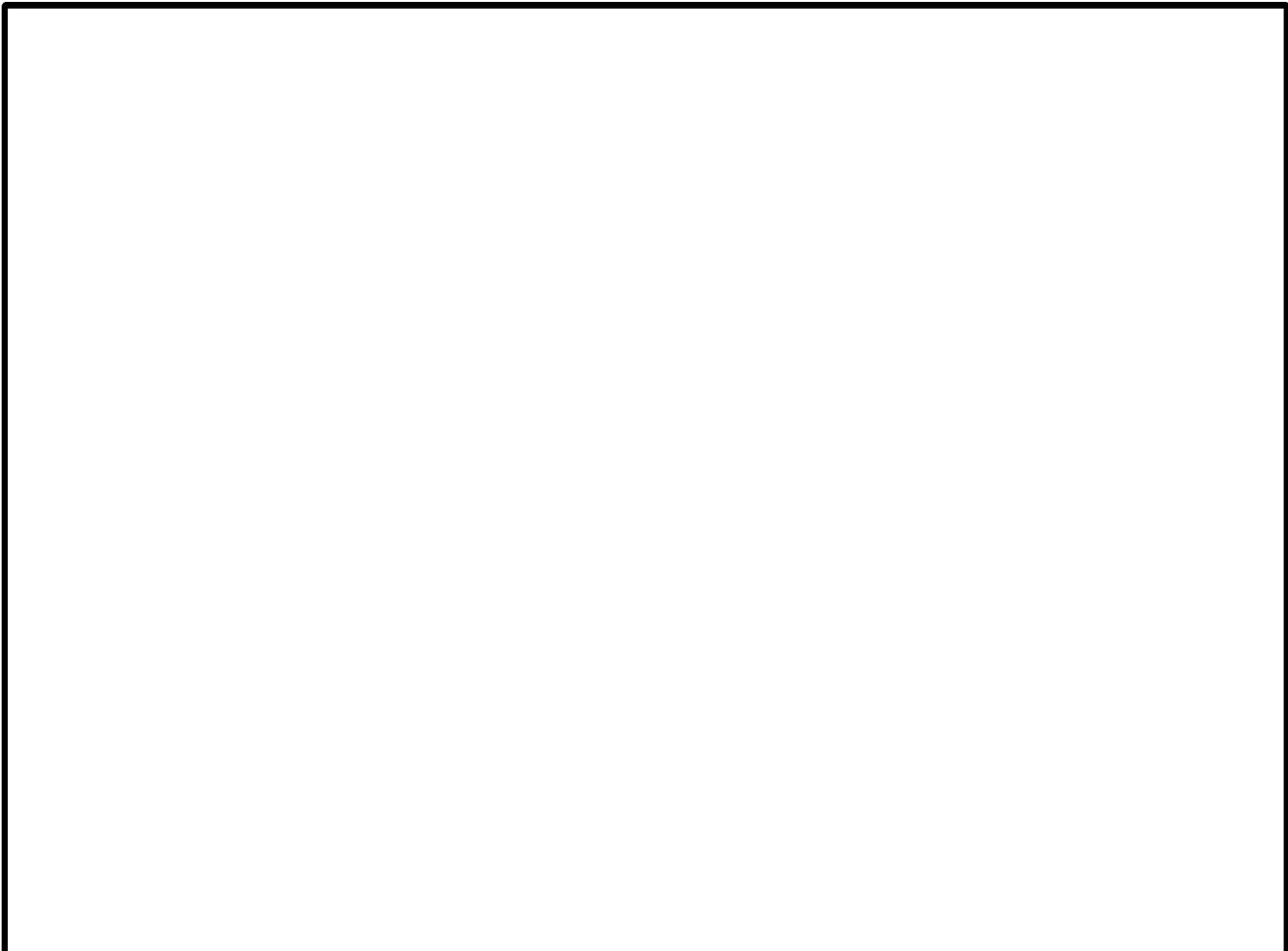
### Scope

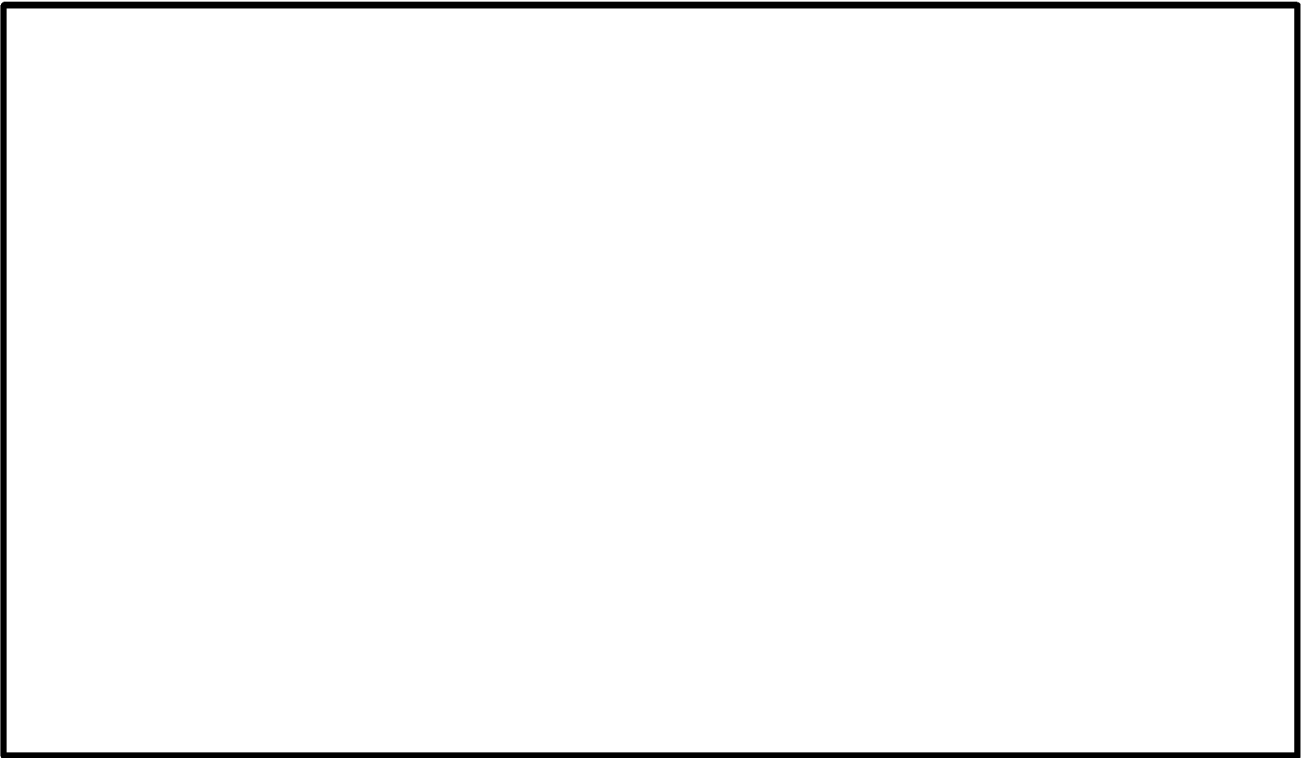
This PM applies to and binds all USCIS employees.

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### Authorities

Sections 212(a)(3)(B) and 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA).







## Gillispie, Anna E

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**From:** Ruppel, Joanna  
**Sent:** Wednesday, February 08, 2017 11:25 AM  
**To:** RAIO - ALL1  
**Subject:** CORRECTED: Executive Order Updates and Refugee Processing

With link correction. Thanks to Heide for noting it for me! If anyone else finds an error, please jump in.

Joanna

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**From:** Ruppel, Joanna  
**Sent:** Wednesday, February 08, 2017 12:13 PM  
**To:** RAIO - ALL1  
**Subject:** Executive Order Updates and Refugee Processing

RAIO Colleagues,

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement. The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than select, previously scheduled circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Order and field input will be sought as appropriate.

Many of you have expressed interest in learning more about the ongoing litigation relating to the Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States. Oral arguments on whether or not to lift the temporary restraining order took place yesterday before the 9<sup>th</sup> Circuit Court of Appeals. You can listen to a recording of the oral arguments and find information about the litigation on the 9<sup>th</sup> Circuit's website:

[https://www.ca9.uscourts.gov/content/view.php?pk\\_id=0000000860](https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000860)

Information about the Executive Orders that impact USCIS can be found on USCIS Connect:

<http://connect.uscis.dhs.gov/org/CL/Pages/Presidential-Actions.aspx>

And information more specific to RAIO can be found on the RAIO ECN (this site is still a work in process):

<http://ecn.uscis.dhs.gov/team/raio/Pages/RAIO.aspx>

Finally, I would like to apologize for confusion that arose when all RAIO staff were scheduled for a Town Hall. That was based on a miscommunication error on my part. I had requested an all hands meeting for "Directorate staff," meaning

the RAIO Program Chiefs and their staff. In my capacity as acting A/D for RAIO, I plan on holding monthly meetings with my team, just as Maura and I hold monthly all hands meetings with IO HQ staff. This was understood to mean all RAIO staff. Then the cancelation led to some rumors of some other motive. It was pure miscommunication. I am trying hard to get ahead of all rumors and stop them as soon as I hear them. There also has been a bit of miscommunication about a potential Town Hall with Lori Scialabba. We are working to clarify plans with the front office and will provide more info shortly. Things are moving fast and furious here at HQ, so I appreciate everyone's patience when communication mistakes are made. We are truly acting with the best of intentions.

Joanna

Joanna Ruppel  
Acting Associate Director  
USCIS Refugee, Asylum and International Operations Directorate



(b)(6)

## Gillispie, Anna E

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**From:** Farnam, Julie E  
**Sent:** Wednesday, February 08, 2017 10:50 AM  
**To:** Busch, Philip B; Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D  
**Cc:** Groom, Molly M; Young, Todd P; Walters, Jessica S  
**Subject:** RE: waiver process  
**Attachments:** Revocation Ltr \_\_Feb17 (uscis).docx

Thank you for the opportunity to review this letter. I have a general comment—it assumes that we will use the Form I-131 to grant advance parole, but I believe that is still an open question and we may want to use the I-192 instead. We just may need to tweak the language to say 'a waiver granted by DHS' or something like that rather than AP, if we do decide on the I-192.

Julie Farnam  
Senior Advisor  
Field Operations Directorate  
U.S. Citizenship and Immigration Services




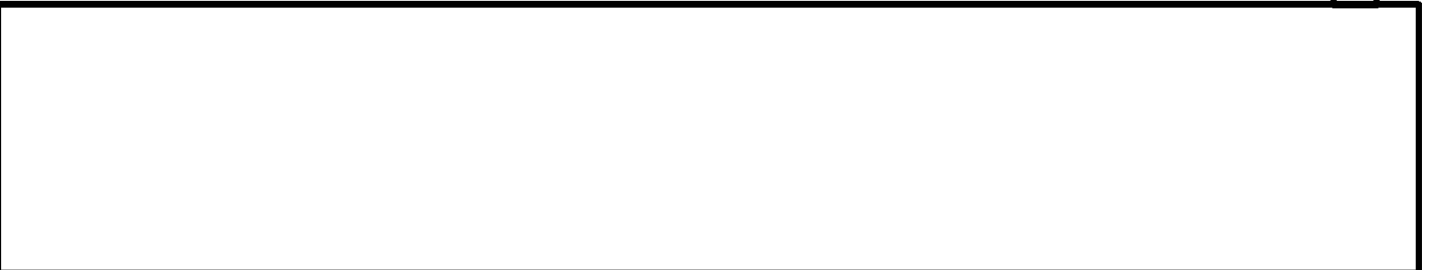
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**From:** Busch, Philip B  
**Sent:** Wednesday, February 08, 2017 10:14 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E  
**Cc:** Groom, Molly M; Young, Todd P; Walters, Jessica S  
**Subject:** waiver process

(b)(5)

Last night we received from DHS two documents to review: a draft of what would be White House guidance on the EO, and a draft of a new DOS visa revocation order. As always we need to get back to them as soon as possible today. 



Would appreciate response to this when possible.

Thanks, Phil

Philip B. Busch  
Acting Deputy Chief Counsel  
Senior Legal Advisor

Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security



(b)(6)

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## Gillispie, Anna E

---

**From:** Renaud, Tracy L  
**Sent:** Wednesday, February 08, 2017 10:33 AM  
**To:** Ruppel, Joanna; Scialabba, Lori L  
**Cc:** Groom, Molly M; Walters, Jessica S; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Zengotitabengoa, Colleen R  
**Subject:** RE: Time Sensitive - CAM parole applicants booked to travel

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sorry everyone, responded to the wrong Joanna message. Please ignore.

Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security

 (b)(6)

**From:** Renaud, Tracy L  
**Sent:** Wednesday, February 08, 2017 11:32 AM  
**To:** Ruppel, Joanna; Scialabba, Lori L  
**Cc:** Groom, Molly M; Walters, Jessica S; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Zengotitabengoa, Colleen R  
**Subject:** RE: Time Sensitive - CAM parole applicants booked to travel

Joanna,

Here is some revised language that AD1 and I prefer:

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement. The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than select, previously scheduled circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Order and field input will be sought as appropriate.

Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security

 (b)(6)

**From:** Ruppel, Joanna  
**Sent:** Wednesday, February 08, 2017 10:24 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Groom, Molly M; Walters, Jessica S; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Zengotitabengoa, Colleen R  
**Subject:** Time Sensitive - CAM parole applicants booked to travel

Lori and Tracy,

IO and RAD are currently compiling statistics for all of the individuals offered parole under CAM pending checks (approximately 3000). In the meantime, the most urgent issue for your consideration remains what to do about those already booked for travel. In an effort to wind down the program in the most orderly and humane way and in a way that may mitigate anticipated public concern, it is RAIO's recommendation that we allow those already booked to travel to do so. There is a very small number of these individuals – only 78. All are booked to travel next week. Note however, that some of the 110 approved to travel this week, missed their flights due to unforeseen circumstances, and are being rebooked. Given they had permission to travel, we presume they can continue to do so, though it may not be this week.

The qualifying children booked for travel next week were interviewed, found to have a well-founded fear and warrant parole as a matter of discretion. Each qualifying child was granted conditional approval, paid for and cleared their medical and background checks, and booked and paid for their travel. The actual travel authorizations have not yet been issued for this group – they are normally provided 5 days in advance of booked travel.

Of the 78 individuals traveling, 65 are qualifying children, 13 are their accompanying family members (8 in country parents, 5 children of the qualifying child, ages 1-5 years old). For the 65 qualifying children in this group, the US based parents all have TPS.

Only 1 person out of the 78 is scheduled to travel with refugees. The rest are all scheduled to travel alone or with other parolees.

IOM is aware that no further travel should be booked. We have not provided any further guidance to IOM regarding travel next week or the status of the program. If these individuals (and other pending cases) will not be approved for travel we need approved messaging, including the basis for the instruction to not issue travel authorizations for booked travelers. We have drafted some language, which is being reviewed by OCC, that simply indicates we have stopped the program. OCC has expressed concern about stopping the travel, so I think it would be important to meet with them ASAP regarding this issue.

While we have drafted very simple language about stopping the CAM parole program, we need assistance from the Department on how to answer questions we anticipate we will get. Below is a sampling of the types of questions, we believe we will get. We are working on others.

- What is the basis for stopping CAM travel for parolees? Of course the Secretary has the authority to stop a discretionary parole program. The basis is the Executive Order: Border Security and Immigration Enforcement Improvements section 11(d), which says the Secretary shall take appropriate action to ensure parole authority is exercised only on a case by case basis. However, because there is no public document noting that S1 has directed USCIS to stop this program, we have nothing to point to that explains why CAM is being curtailed, but not other parole programs based on a finding that the program itself provides significant public benefit (e.g., HFRP, FWVP and CFRP). When CMPP was stopped, the WH provided us with very specific language about the reason. Would be helpful if we could get the same here.
- Why is travel stopped for CAM parolees but not CAM refugees? Will families where one member was approved as a refugee and one as a parolee be allowed to travel together? We assume that the answer for this would be

based on the answer to the question above, and if one family member was approved as a refugee and one as a parolee, only the refugee comes in. However, nothing would preclude the family member from filing a I-131 parole request under the regular program.

- Many of those who received conditional approval have invested significant funds to pay for required medical exams or travel or have sold property. Will these individuals be provided an opportunity to travel at some future date? Proposed response based on what we understand is DHS's position: Not under the CAM program. If they are eligible to apply for other immigration benefits, they can do so as provided by existing law.

Joanna

Joanna Ruppel  
Acting Associate Director  
USCIS Refugee, Asylum and International Operations Directorate



(b)(6)

## Gillispie, Anna E

---

**From:** Farnam, Julie E  
**Sent:** Wednesday, February 08, 2017 10:21 AM  
**To:** Busch, Philip B; Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D  
**Cc:** Groom, Molly M; Young, Todd P; Walters, Jessica S  
**Subject:** RE: waiver process  
**Attachments:** WHCO guidance on end of stay Redline 2-7-17 (jef).docx

My edits are attached. I found the middle part of this memo very confusing and I restructured that part in an effort to hopefully make it a little clearer.

Julie Farnam  
Senior Advisor  
Field Operations Directorate  
U.S. Citizenship and Immigration Services



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**From:** Busch, Philip B  
**Sent:** Wednesday, February 08, 2017 11:12 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E  
**Cc:** Groom, Molly M; Young, Todd P; Walters, Jessica S  
**Subject:** RE: waiver process

Please use this version of the draft WH guidance instead. I had inadvertently overlooked some suggested edits from Molly, which are added here (*italicized to distinguish them from others, in light of the document's anonymization feature*). Sorry for any inconvenience. Thanks, Phil

Philip B. Busch  
Acting Deputy Chief Counsel  
Senior Legal Advisor  
Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security



(b)(6)

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**From:** Busch, Philip B

**Sent:** Wednesday, February 08, 2017 10:14 AM

**To:** Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E

**Cc:** Groom, Molly M; Young, Todd P; Walters, Jessica S

**Subject:** waiver process

(b)(5)

Last night we received from DHS two documents to review: a draft of what would be White House guidance on the EO, and a draft of a new DOS visa revocation order. As always we need to get back to them as soon as possible today

Would appreciate response to this when possible.

Thanks, Phil

Philip B. Busch

Acting Deputy Chief Counsel

Senior Legal Advisor

Office of the Chief Counsel

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

(b)(6)

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Page 1: [1] Comment [A10]	Author
Page 1: [2] Comment [A11]	Author
Page 1: [3] Formatted	Author
Page 1: [4] Comment [A12]	Author
Page 1: [5] Comment [A13]	Author
Page 1: [6] Comment [A14]	Author
Page 1: [7] Comment [A15]	Author

(b)(5)

## Gillispie, Anna E

---

**From:** Busch, Philip B  
**Sent:** Wednesday, February 08, 2017 9:14 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E  
**Cc:** Groom, Molly M; Young, Todd P; Walters, Jessica S  
**Subject:** waiver process  
**Attachments:** WHCO guidance on end of stay Redline 2-7-17 (bdk).docx; Revocation Ltr \_\_Feb17 (uscis).docx

(b)(5)

Last night we received from DHS two documents to review: a draft of what would be White House guidance on the EO, and a draft of a new DOS visa revocation order. As always we need to get back to them as soon as possible today

Would appreciate response to this when possible.

Thanks, Phil

Philip B. Busch  
Acting Deputy Chief Counsel  
Senior Legal Advisor  
Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security

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## Gillispie, Anna E

---

**From:** Farnam, Julie E  
**Sent:** Tuesday, February 07, 2017 8:26 PM  
**To:** Renaud, Tracy L; Scialabba, Lori L  
**Cc:** Young, Todd P; Walters, Jessica S  
**Subject:** National Interest Waiver Request Options Paper  
**Attachments:** National Interest Options Paper.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Attached please find the draft of the options paper for USCIS to process national interest waiver requests for those who are barred from entry. In addition to the attached, there are a few questions that we will need clarity on before implementing. The outstanding policy questions pertaining to the options paper are:

- How will we define what is in the national interest?
- Should we include a justification as to why we should charge a fee for this request?
- Would applicants be eligible for a fee waiver?
- Will we conduct an FBI namecheck on these cases?
- Should we issue an NTA if we deny the request?
- What are the legal implications of requiring someone to file and pay for a travel document when they already have a valid travel document (i.e., a visa)?

I assume we'll maybe want to discuss the paper at tomorrow's meeting, but if you need to forward it to the Department sooner than that, here is what we have as of now.

Have a good night.

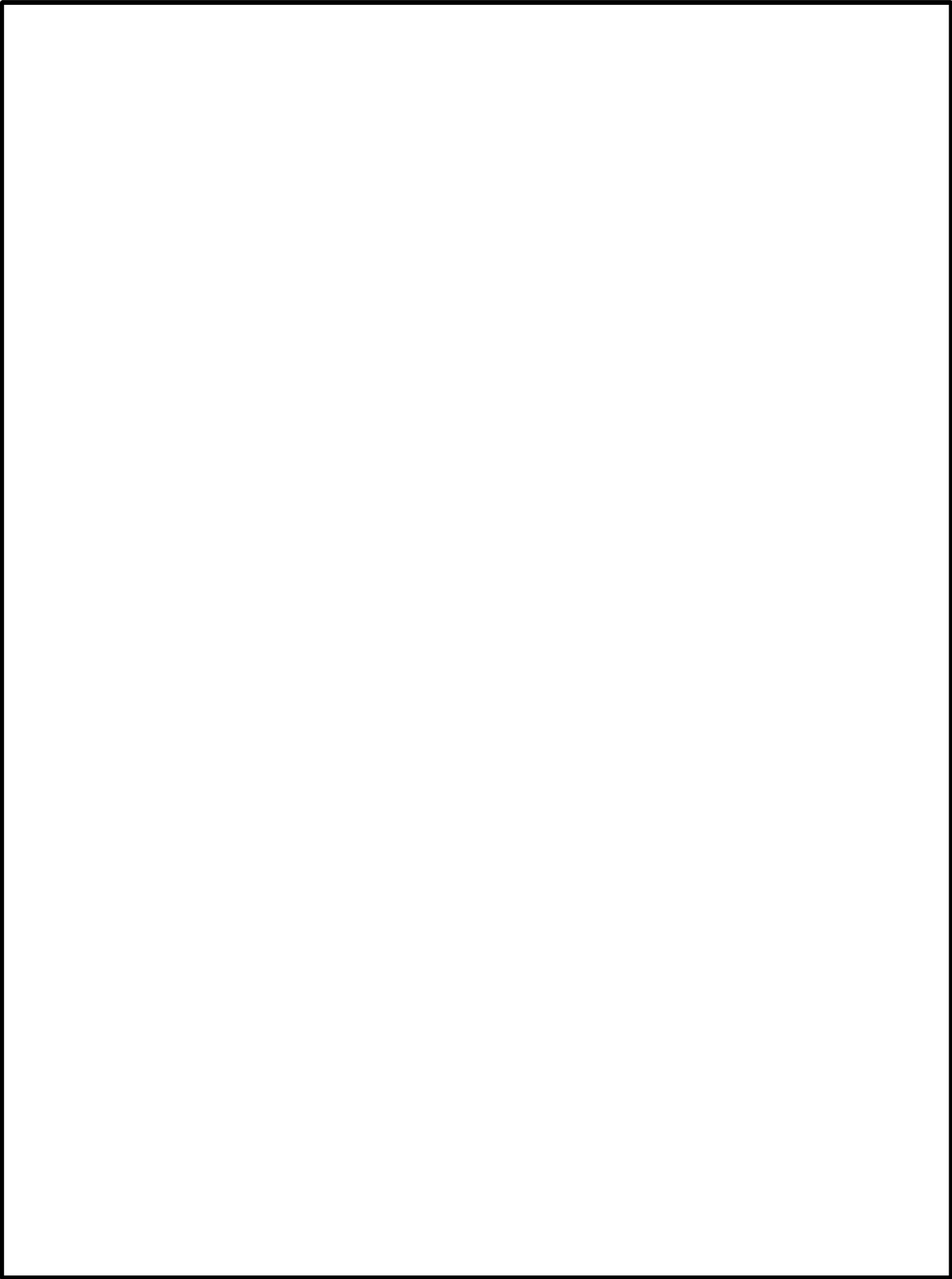
Julie

## Exception Options

**Background:** Section 3(c) of Executive Order (EO) 13769 prohibits entry to the United States from nationals of seven identified countries. However, section 3(g) of the EO permits the Secretaries of State and Homeland Security to, “on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.” U.S. Citizenship and Immigration Services (USCIS) has been asked by the Department of Homeland Security (DHS) to review options to establish a process under section 3(g) by which aliens subject to section 3(c), but already present in the United States in nonimmigrant status with a valid multi-entry nonimmigrant visa, could request the section 3(g) waiver in advance of departure from the United States, thus giving them a reasonable basis to expect that they will be able to travel back to the United States and be admitted, if otherwise admissible.

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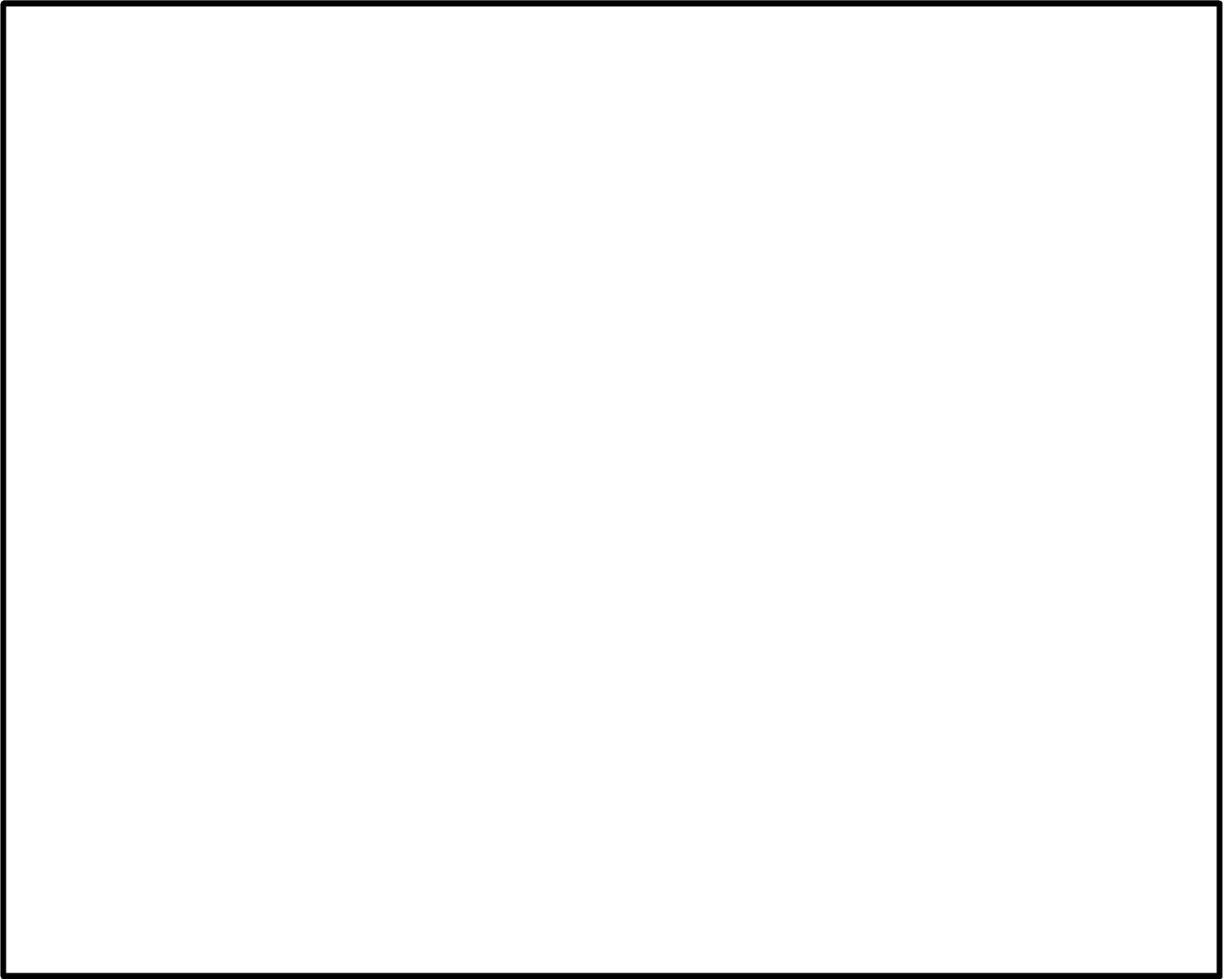
(b)(5)



(b)(5)



(b)(5)





## Gillispie, Anna E

---

**From:** Busch, Philip B  
**Sent:** Tuesday, February 07, 2017 5:19 PM  
**To:** Levine, Laurence D; Campagnolo, Donna P; Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Rather, Michael B; Groom, Molly M; Zengotitabengoa, Colleen R; Hinds, Ian G  
**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Tynan, Natalie S  
**Subject:** RE: Draft of Exception Process - EO  
**Attachments:** 192 eo option (2) OPS consolidated plus OCC.docx

Here are OCC comments on top of OPS's. Please don't take the amount of redline and questioning as criticism of SCOPs effort here, which was a thoughtful and heroic one considering the short time frame and the difficulties posed by this tough issue. Thanks, Phil

Philip B. Busch  
Acting Deputy Chief Counsel  
Senior Legal Advisor  
Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security



(b)(6)

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**From:** Levine, Laurence D  
**Sent:** Tuesday, February 07, 2017 3:13 PM  
**To:** Campagnolo, Donna P; Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Rather, Michael B; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R; Hinds, Ian G  
**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Tynan, Natalie S  
**Subject:** RE: Draft of Exception Process - EO

OP&S comments.

---

Larry Levine  
Acting Chief  
Office of Policy & Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security



(b)(6)

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**From:** Campagnolo, Donna P

**Sent:** Tuesday, February 07, 2017 12:44 PM

**To:** Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Levine, Laurence D; Rather, Michael B; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R; Hinds, Ian G

**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S

**Subject:** RE: Draft of Exception Process - EO

Hi all. Adding in OCC and Policy and Strategy...

As well, attached is an updated version based on some feedback received already.

Please send your comments back by 3:00 today. That way we can incorporate them and get the final draft to Lori this afternoon.

Thanks in advance.

Donna Campagnolo  
HQ Service Center Operations

---

**From:** Campagnolo, Donna P

**Sent:** Tuesday, February 07, 2017 10:30 AM

**To:** Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J

**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S

**Subject:** Draft of Exception Process - EO

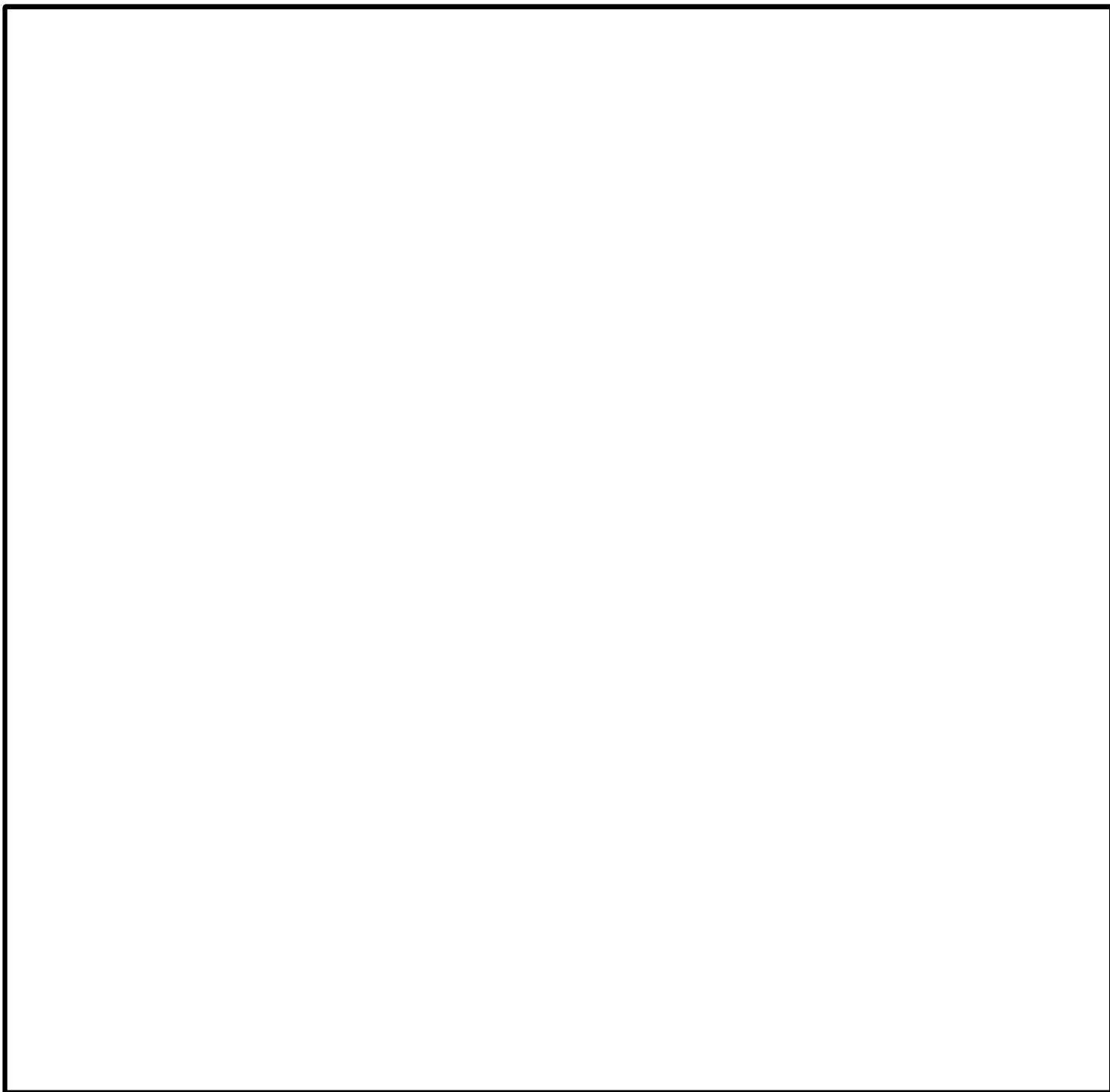
All: Based on yesterday's discussions for EO, attached is a draft from SCOPS on what might work if we were required to develop an exception for folks that are here in the US, but may need to travel for work and student reasons. Can you please take a look from your perspective and let us know if you have any concerns? Its due to the Department this afternoon, so we will need a response as quickly as possible. So sorry for the quick turnaround on this.

Appreciate your help.

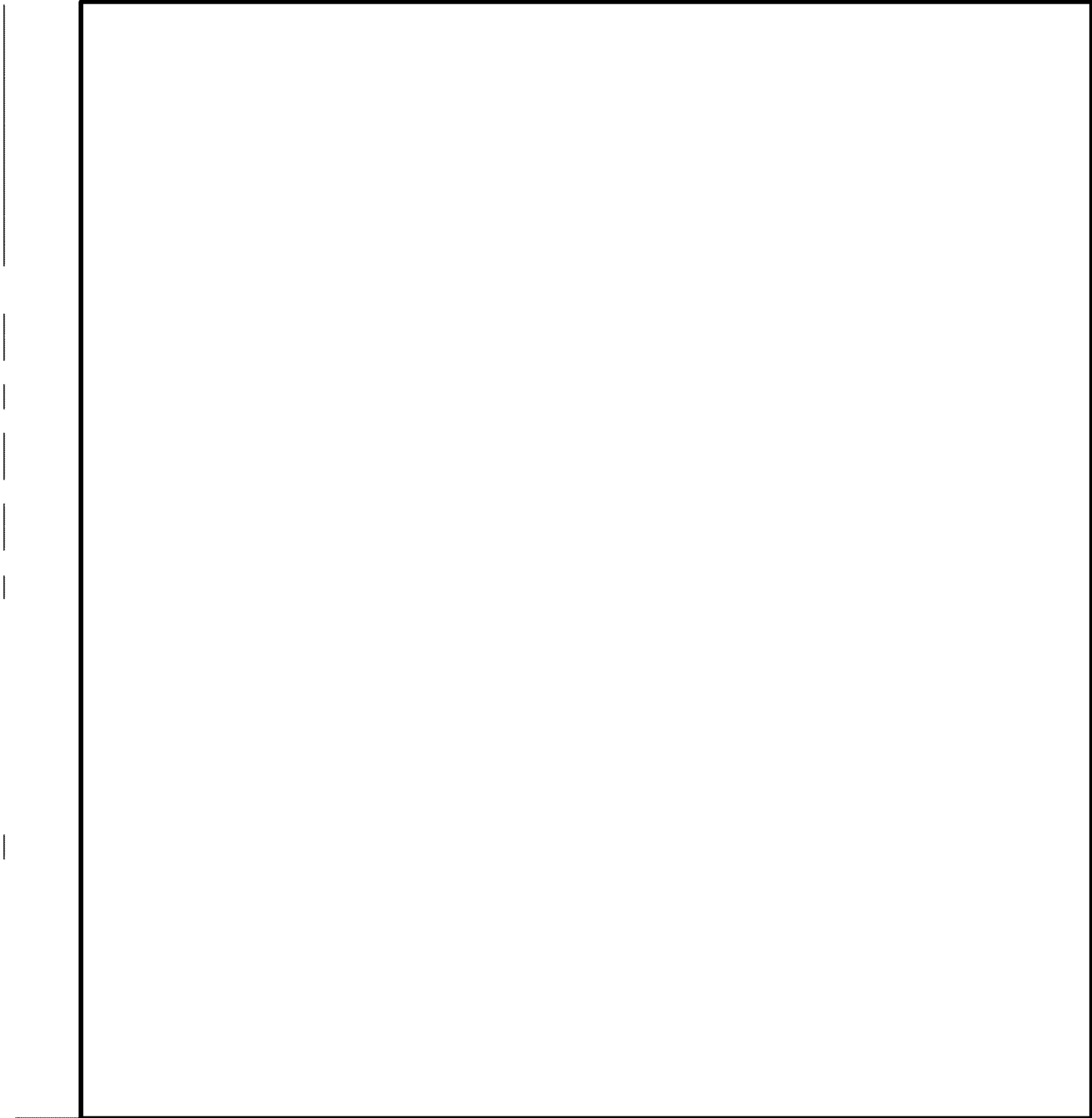
Donna Campagnolo  
HQ Service Center Operations

(b)(5)

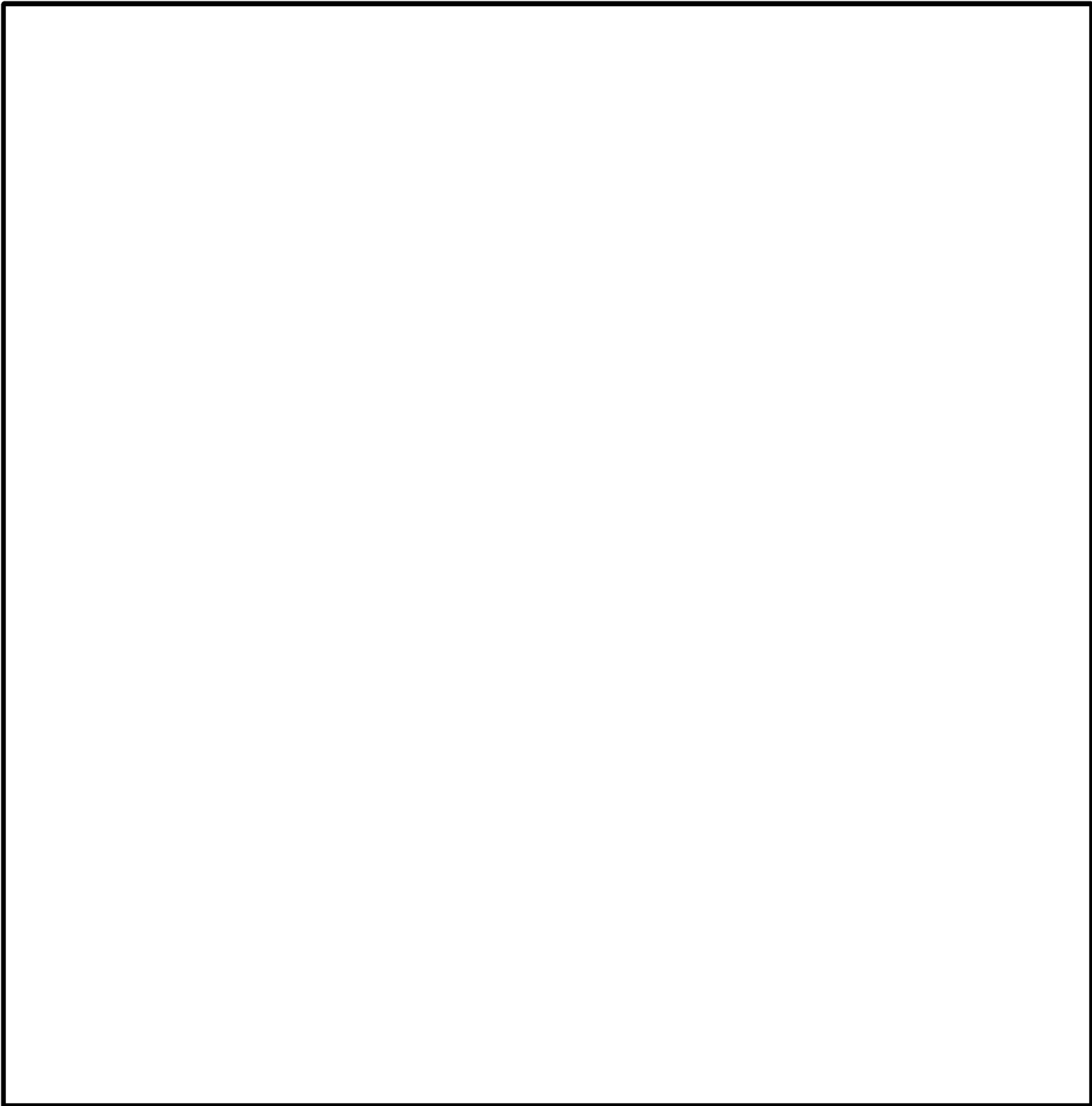
### Exception Options



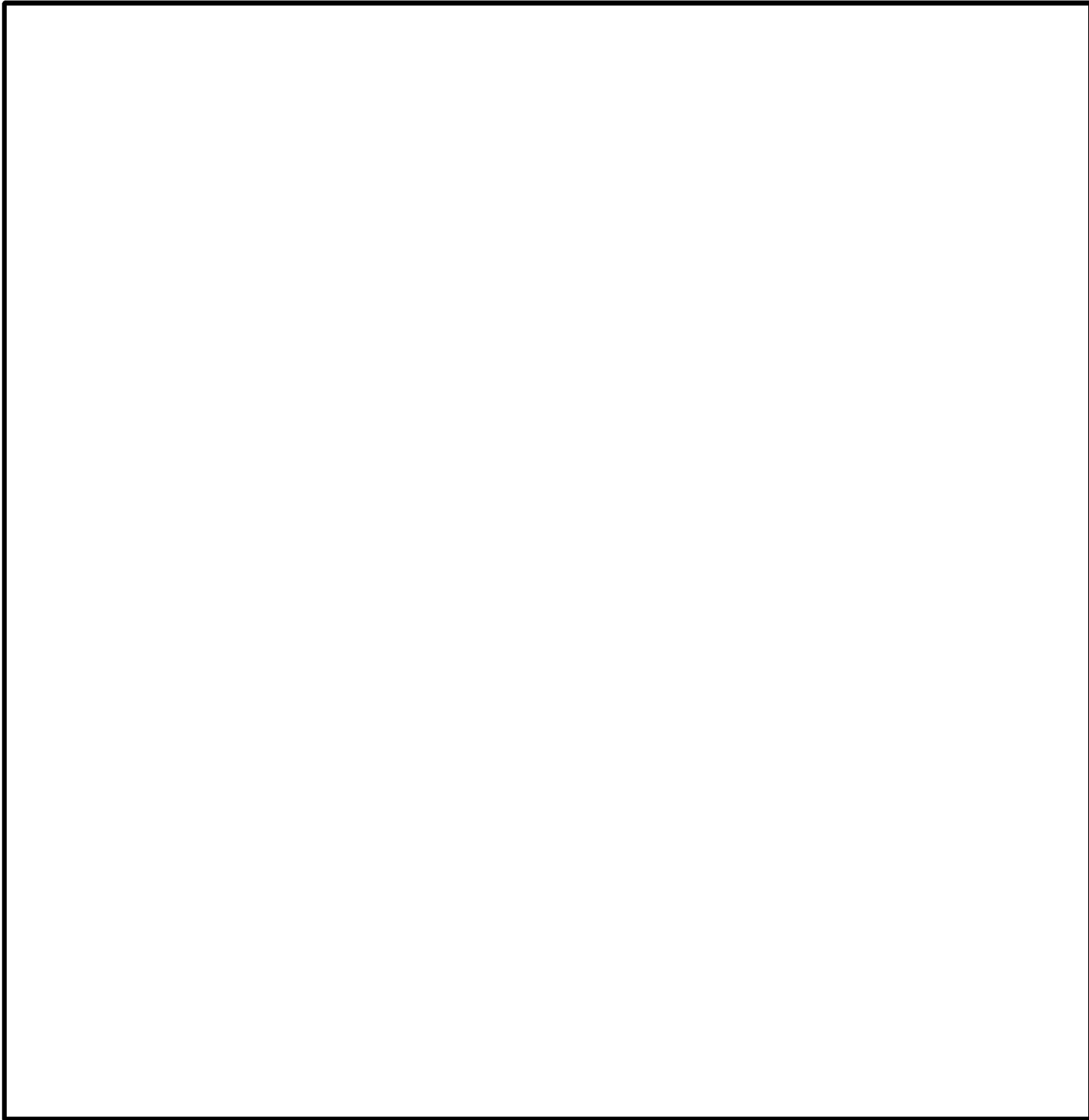
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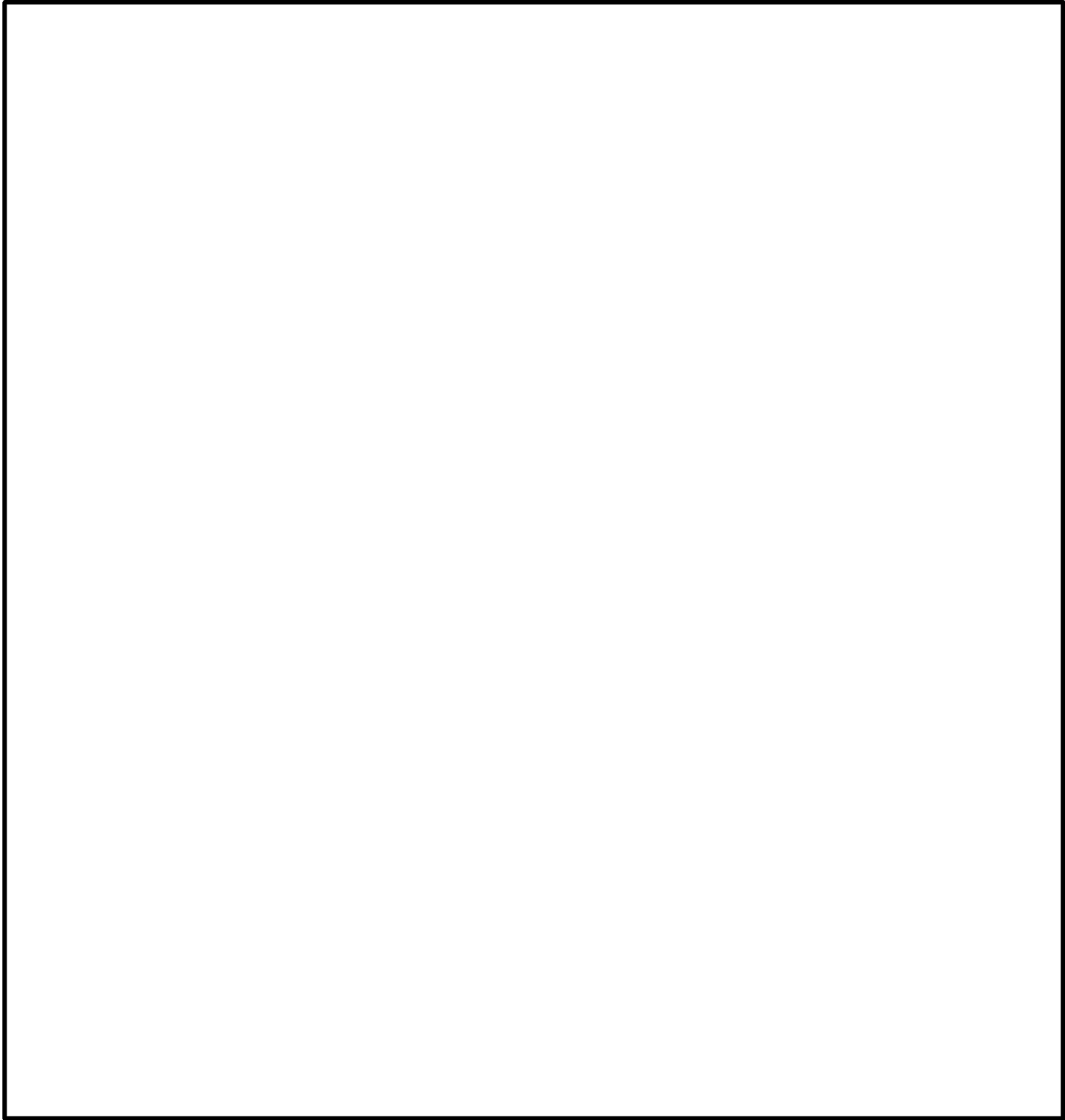
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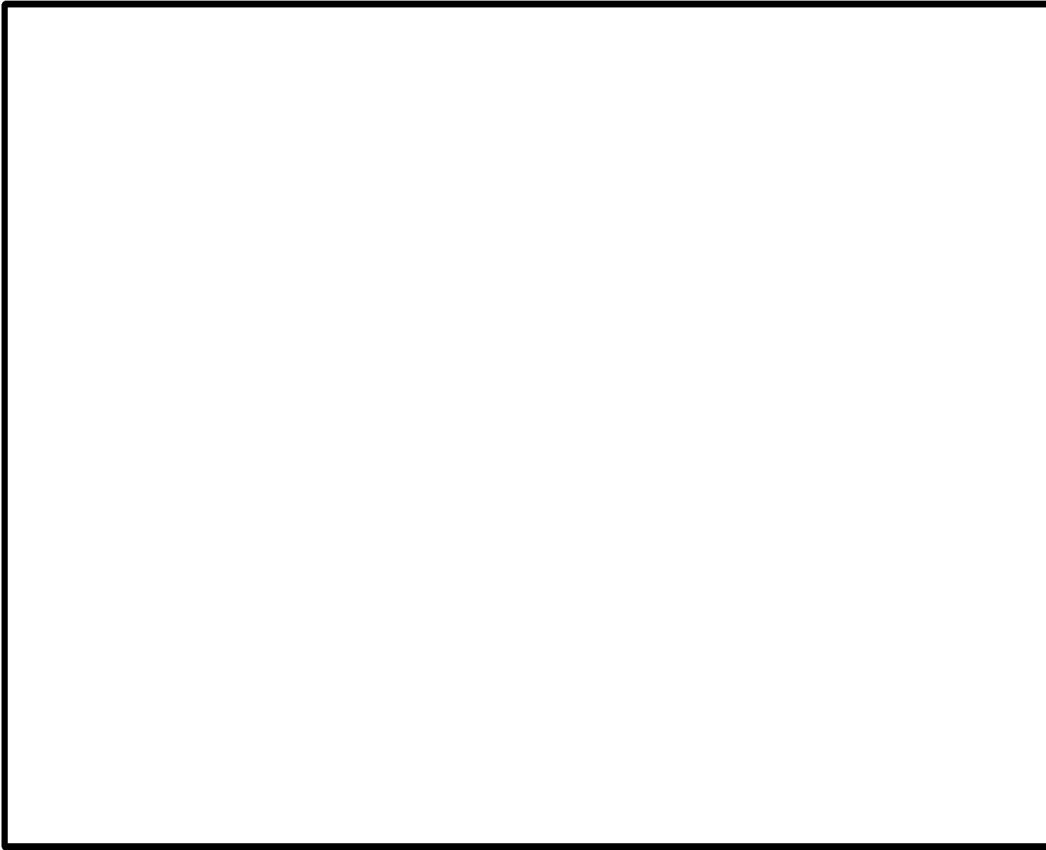
(b)(5)



02/07/2017

Page 5

(b)(5)



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**Gillispie, Anna E**

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**From:** Davidson, Andrew J  
**Sent:** Tuesday, February 07, 2017 3:21 PM  
**To:** Campagnolo, Donna P; Rosenstock, Peter L; Meckley, Tammy M  
**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Emrich, Matthew D  
**Subject:** RE: Draft of Exception Process - EO  
**Attachments:** 192 eo option.docx

Donna,

(b)(5)

FDNS comments are attached. [REDACTED]

Thanks,

Andrew Davidson  
Acting Deputy Associate Director  
Fraud Detection and National Security Directorate  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
111 Massachusetts Avenue, NW  
Washington, DC 20529

[REDACTED] (b)(6)

---

**From:** Campagnolo, Donna P  
**Sent:** Tuesday, February 07, 2017 10:30 AM  
**To:** Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J  
**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S  
**Subject:** Draft of Exception Process - EO

All: Based on yesterday's discussions for EO, attached is a draft from SCOPS on what might work if we were required to develop an exception for folks that are here in the US, but may need to travel for work and student reasons. Can you please take a look from your perspective and let us know if you have any concerns? Its due to the Department this afternoon, so we will need a response as quickly as possible. So sorry for the quick turnaround on this.

Appreciate your help.

Donna Campagnolo  
HQ Service Center Operations

### Exception Options

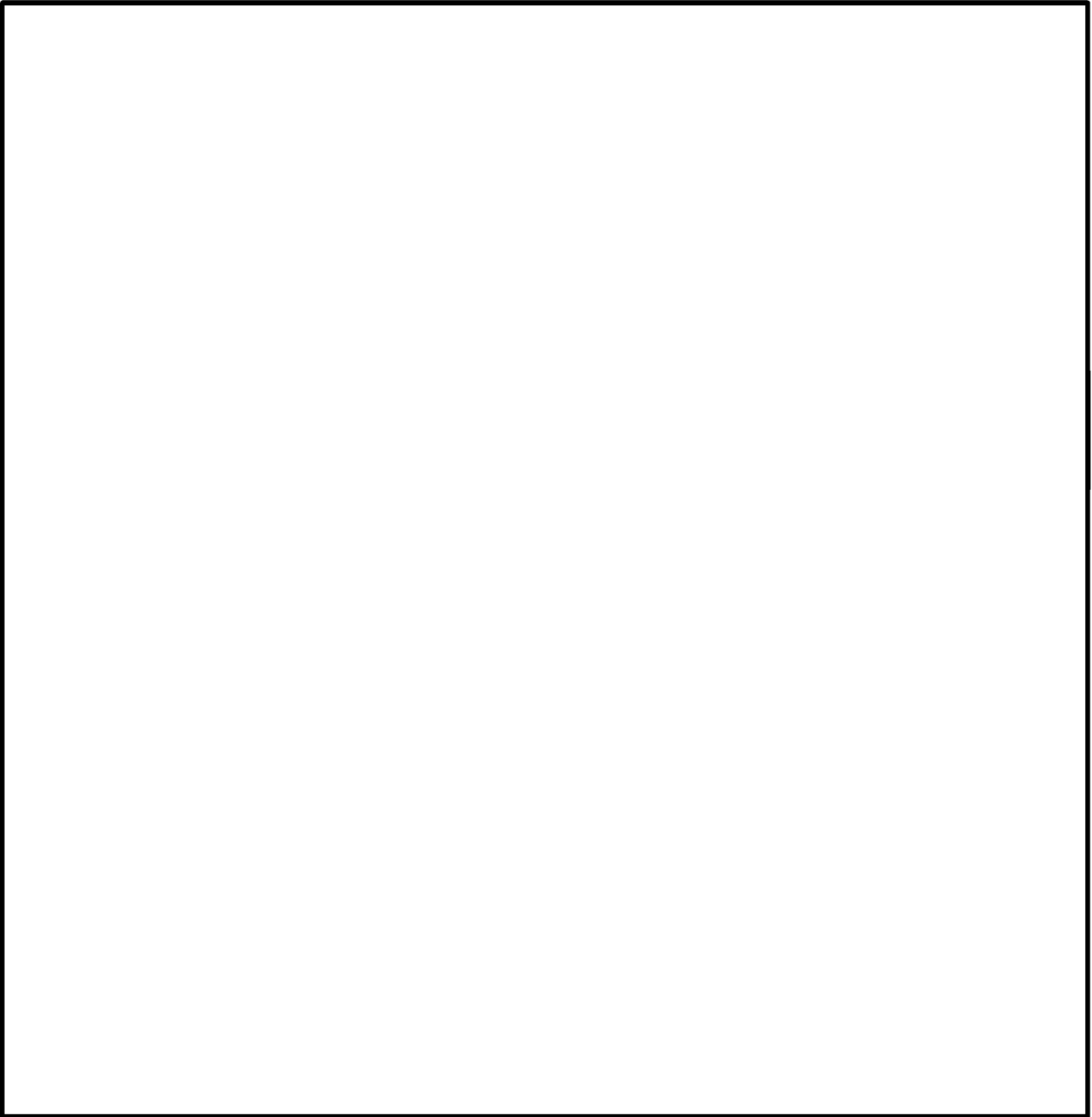
**Background:** As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process.

This proposal specifically applies to the population of individuals, currently in the United States, that came to the US on a valid business or student visa, and still has a current, unexpired visa and passport.

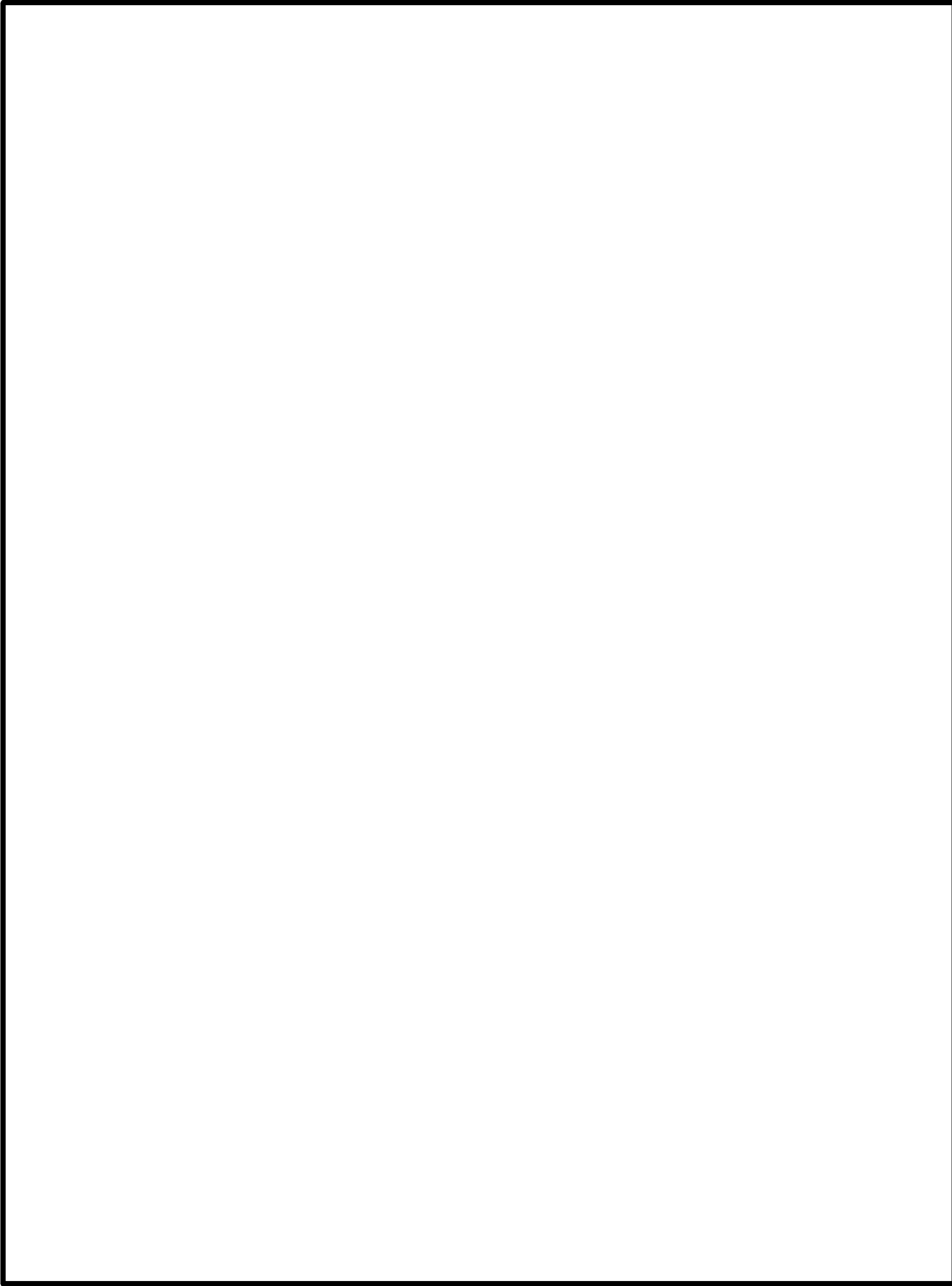
This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

(b)(5)

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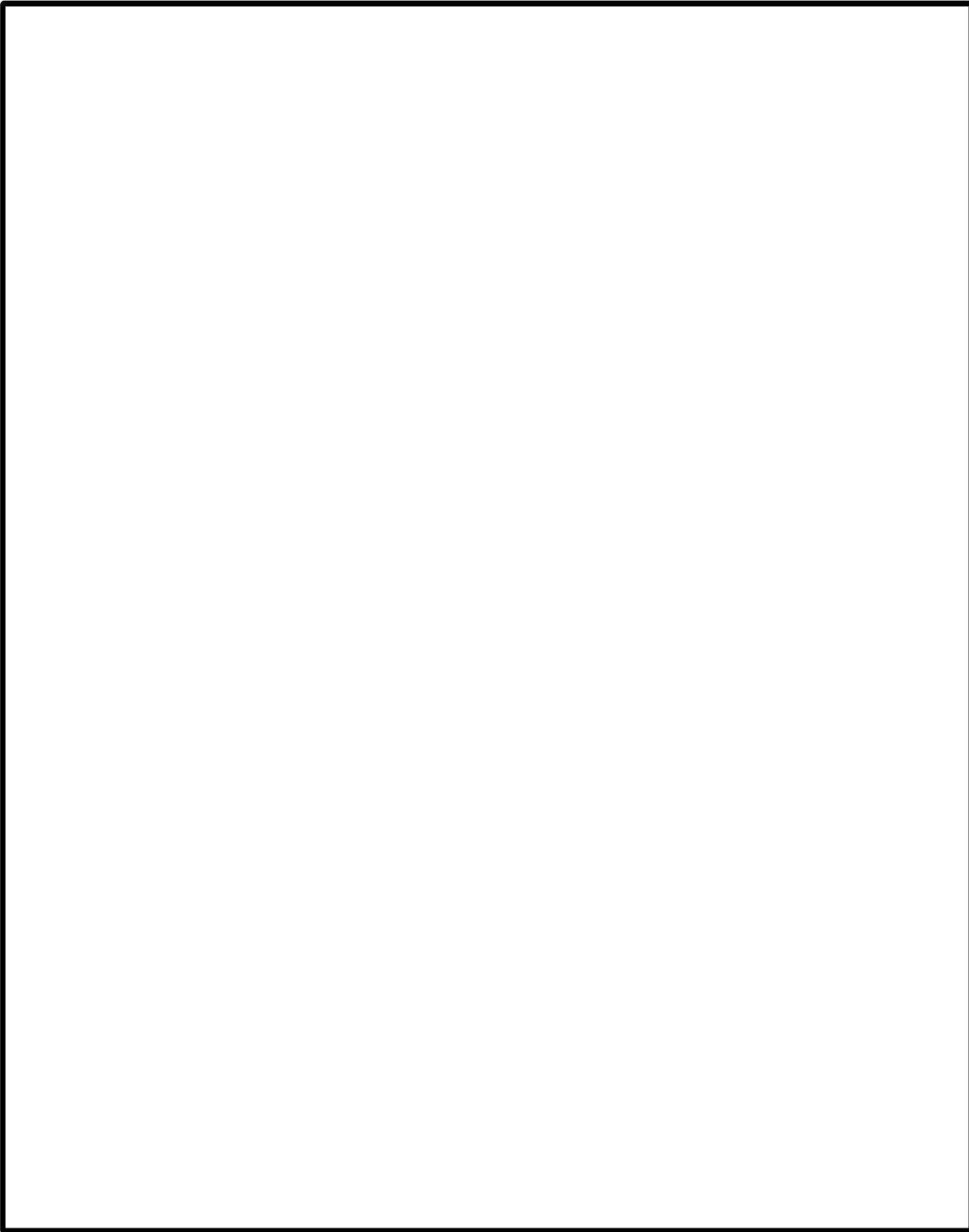
(b)(5)



(b)(5)



(b)(5)



## Gillispie, Anna E

---

**From:** Levine, Laurence D  
**Sent:** Tuesday, February 07, 2017 2:13 PM  
**To:** Campagnolo, Donna P; Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Rather, Michael B; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R; Hinds, Ian G  
**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Tynan, Natalie S  
**Subject:** RE: Draft of Exception Process - EO  
**Attachments:** 192 eo option (2) OPS consolidated.docx

OP&S comments.

---

Larry Levine  
Acting Chief  
Office of Policy & Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

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Donna Campagnolo  
HQ Service Center Operations

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**Cc:** Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P;

Walters, Jessica S

**Subject:** Draft of Exception Process - EO

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Donna Campagnolo  
HQ Service Center Operations



### Exception Options

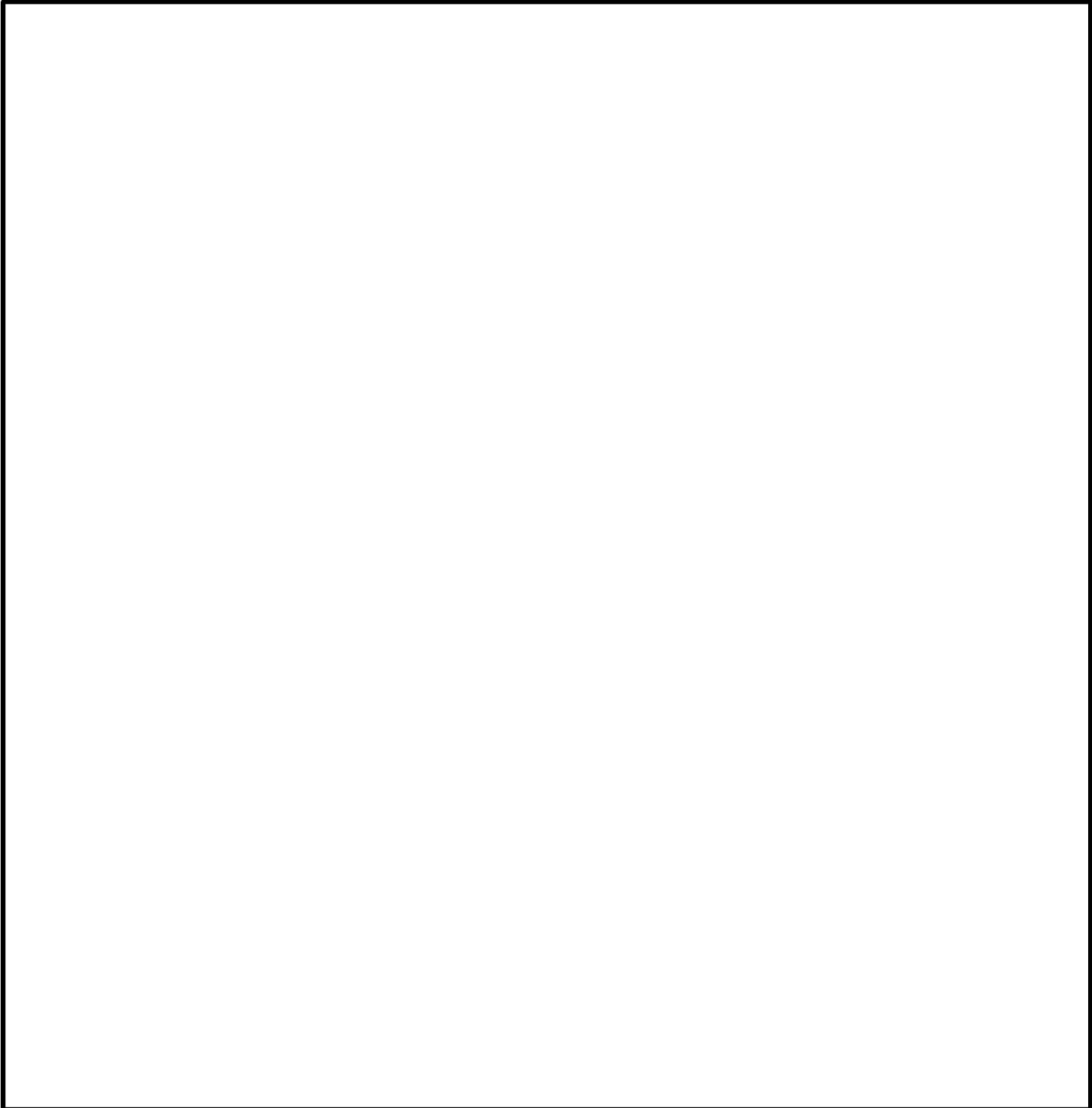
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(b)(5)

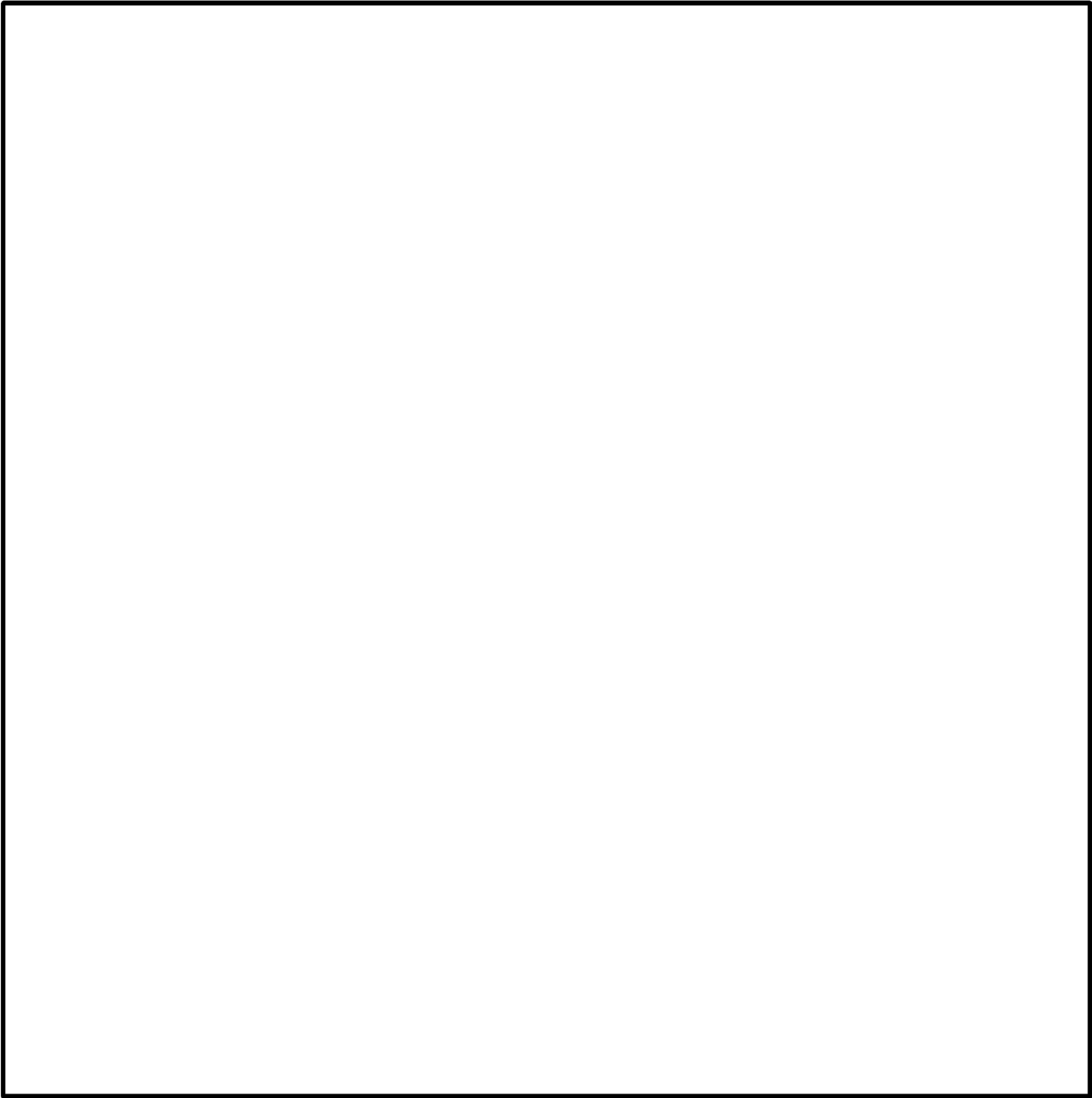
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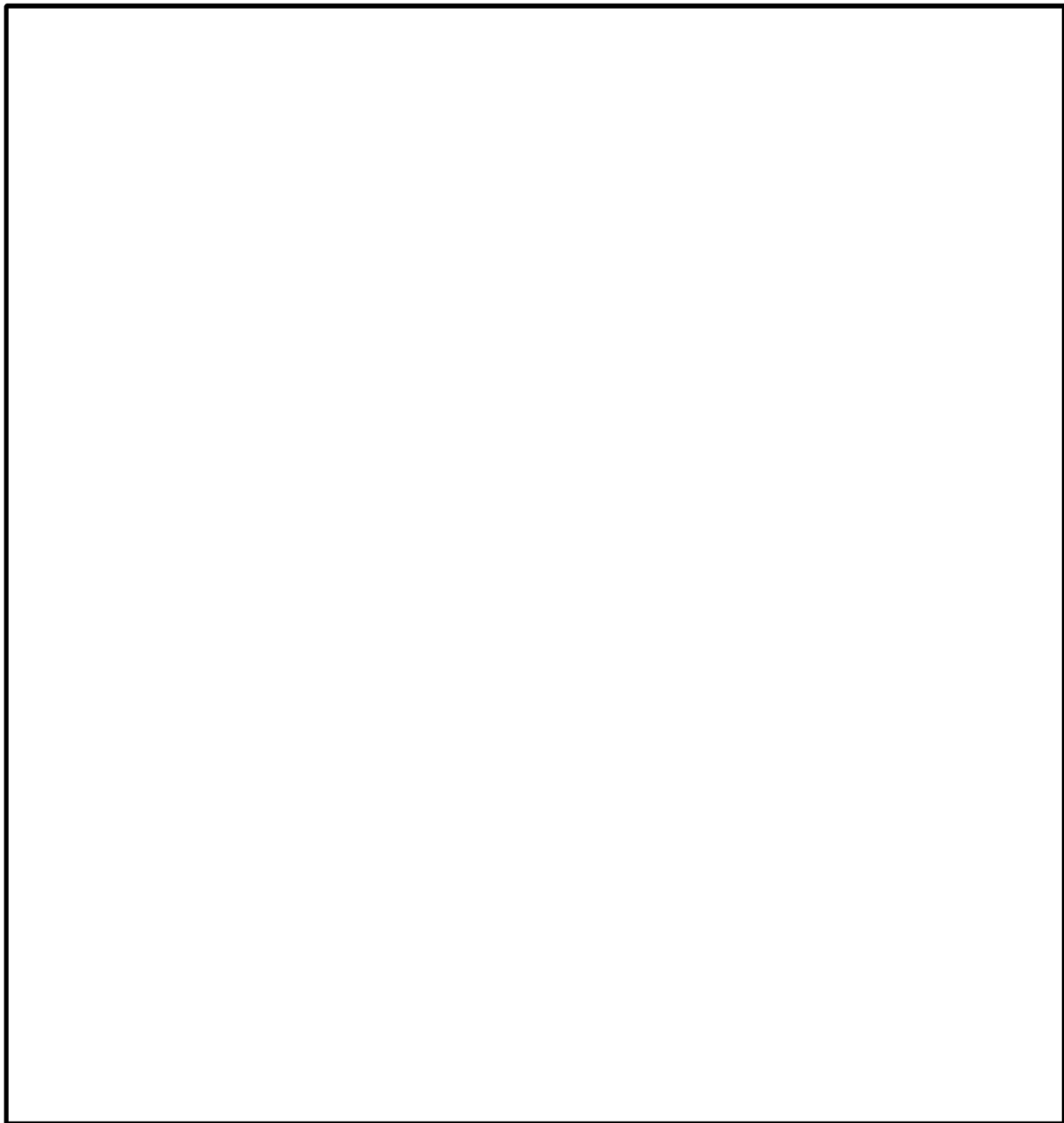
(b)(5)



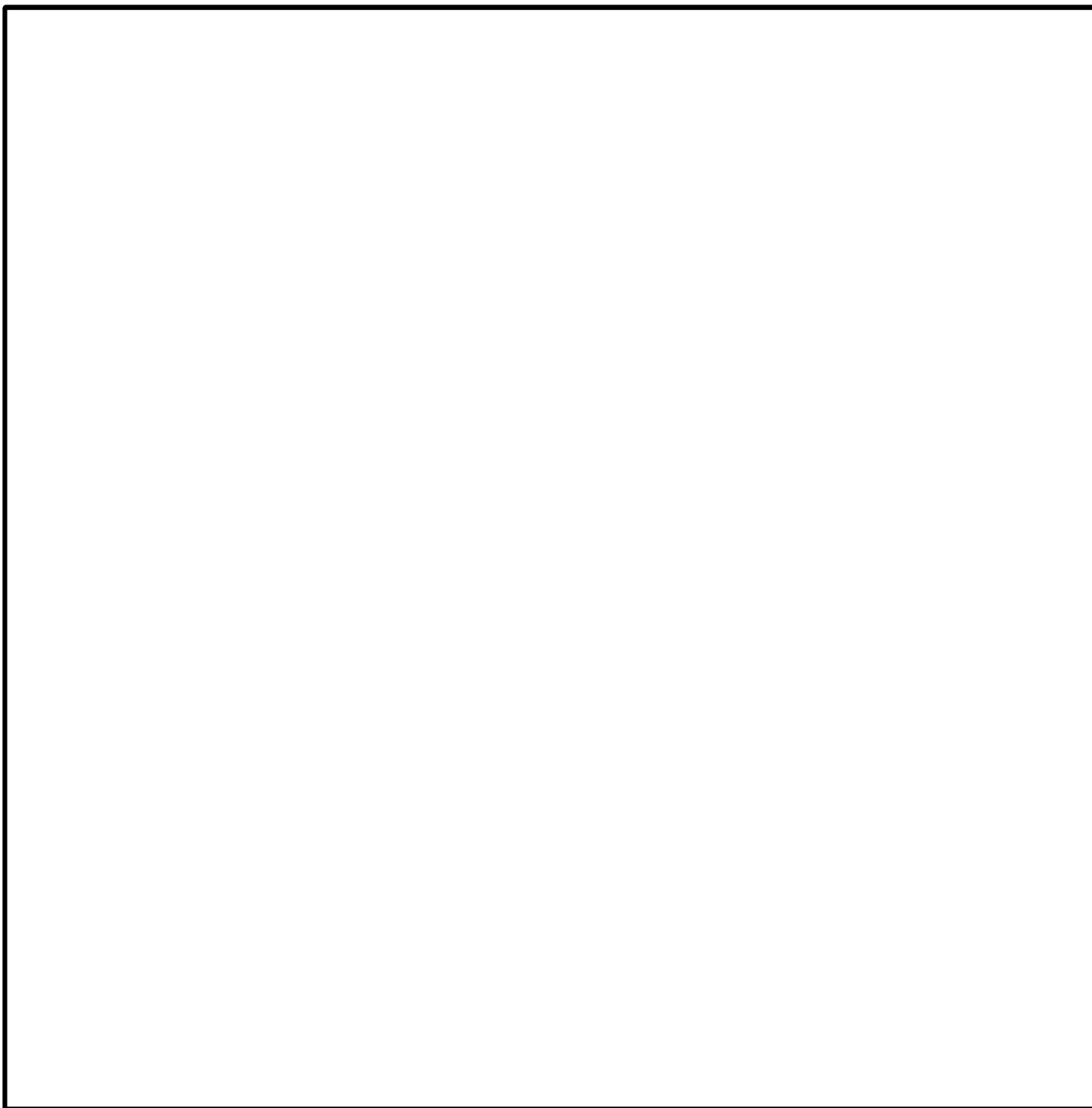
(b)(5)



(b)(5)



(b)(5)



## Gillispie, Anna E

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**From:** Renaud, Tracy L  
**Sent:** Tuesday, February 07, 2017 1:39 PM  
**To:** Young, Todd P; Walters, Jessica S  
**Subject:** FW: USCIS Deliverables  
**Attachments:** Internal USCIS Deliverables.xlsx; 2.7 #5.docx

Just an FYI, Jennifer called looking for this info just a little bit ago. Wanted you both to have a record of it being pushed.

Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security



(b)(6)

**From:** Farnam, Julie E  
**Sent:** Tuesday, February 07, 2017 2:33 PM  
**To:** Higgins, Jennifer  
**Cc:** Renaud, Tracy L; Scialabba, Lori L  
**Subject:** USCIS Deliverables

Hi, Jennifer. Apologies for not sharing our internal EO tracker with you. Please find it attached.

Regarding the DHS tracker, we had two suggested changes:

- The resumption of the USRAP is listed on the tracker (page 19) as March 28, 2017, but we believe this should say May.
- USCIS is listed as the lead to produce recommendations for how state and locals may have greater involvement in the resettlement process (page 20). We respectfully request that DHS IGA take the lead.

For the outstanding policy questions/issues, they are as follows (attached as well):

- Should USCIS move forward with denying cases on hold awaiting TRIG exemptions since it appears that exemptions are unlikely now?
- Should USCIS place all TRIG exemption determinations on hold?
- I-730s: Does the guidance apply to both asylees and refugees who are outside the country? The asylees do not count against the refugee ceiling and are not admitted as refugees (they are admitted as asylees). They are not issued visas, just boarding foils.
  - Does DHS consider asylees as refugees?
  - Does the I-730 guidance apply to all counties, or only the 7?
  - Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list of 7 (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
- How will the NTA policy be impacted by the EO? Should we stop the naturalization NTA panels until further guidance is issued?
- How do we define "national interest" when it comes to admitting/paroling individuals? (Section 3g of EO#3)

USCIS is working on a briefing paper related to the TRIG questions. We currently have approximately 1,200 TRIG cases on hold.

If you need anything additional, please let us know.

Julie Farnam

Senior Advisor  
Field Operations Directorate  
U.S. Citizenship and Immigration Services



(b)(6)

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## USCIS EO Questions – 2.7.17 #5

### **New questions/issues**

1. Should USCIS move forward with denying cases on hold awaiting TRIG exemptions since it appears that exemptions are unlikely now?
2. Should USCIS place all TRIG exemption determinations on hold?
3. I-730s: Does the guidance apply to both asylees and refugees who are outside the country? The asylees do not count against the refugee ceiling and are not admitted as refugees (they are admitted as asylees). They are not issued visas, just boarding foils.
  - Does DHS consider asylees as refugees?
  - Does the I-730 guidance apply to all countries, or only the 7?
  - Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list of 7 (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
4. How will the NTA policy be impacted by the EO? Should we stop the naturalization NTA panels until further guidance is issued?
5. How do we define "national interest" when it comes to admitting/paroling individuals? (Section 3g of EO#3)



[Deliverable/Topic/Area]	[Executive Order]	[Section]	[Lead] [Office/Agency]	[Co-Lead]	[Deadline 1]	[Deadline 2]	[Status]	[Notes]
Budgetary/Staffing Needs	All EOs	N/A	MGMT		Immediate			
Parole provisions review	Border Security and Immigration Enforcement Improvements	11a	OP&S		2/1/2017		Completed	Submitted to DHS on 2/2/2017
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO		2/28/2017			Draft with AD1
Launch review of credible fear/reasonable fear screening processes	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC	3/15/2017	7/26/2017		
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		3/20/2017			
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		Immediate			
Activate CAT to plan, coordinate, and execute operations	Border Security and Immigration Enforcement Improvements	6	OPQ		Immediate			
Review relevant policy, regulations, and forms	Border Security and Immigration Enforcement Improvements	6	RAIO	OP&S	Immediate			
Discontinue practice of offering parole in CAM	Border Security and Immigration Enforcement Improvements	11	RAIO		Immediate		Completed	
Comprehensive study of the security of the southern border	Border Security and Immigration Enforcement Improvements	4d	RAIO					
Applying INA 235(b)(1)(A)(i) and (ii)	Border Security and Immigration Enforcement Improvements	11c	OCC					
Hiring of 10,000 new employees	Enhancing Public Safety in the Interior of the United States	7	HCT					
Suspend USRAP for 120 days	Protecting the Nation from Foreign Terrorist Entry	5a	RAIO		1/27/2017		Completed	
Suspend all Syrian refugee admissions	Protecting the Nation from Foreign Terrorist Entry	5c	RAIO		1/27/2017		Completed	
"Information needed from any country to adjudicate any visa, admission, or other benefit under the INA"	Protecting the Nation from Foreign Terrorist Entry	3a and 3b	FDNS		2/3/2017			Draft with OCC



## Gillispie, Anna E

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**From:** Ruppel, Joanna  
**Sent:** Saturday, February 04, 2017 10:06 AM  
**To:** Groom, Molly M; Nicholson, Maura J; Strack, Barbara L; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are not planning to do so in Moscow. Those interviews have been cancelled. We are awaiting guidance from PRM on what the RSCs will be doing. We expect they will be focusing on the travel ready people.

Joanna Ruppel  
Chief, International Operations Division  
U.S. Citizenship and Immigration Services



(b)(6)

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**From:** Groom, Molly M  
**Sent:** Saturday, February 04, 2017 8:04:01 AM  
**To:** Nicholson, Maura J; Ruppel, Joanna; Strack, Barbara L; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Other than any changes that may come from DOS, is it accurate to say that this week USCIS is planning to conduct refugee interviews in Moscow, Vienna and Indonesia. Anywhere else at this point?

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**From:** Nicholson, Maura J  
**Sent:** Saturday, February 04, 2017 10:50 AM  
**To:** Ruppel, Joanna; Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Forgive me – there are 6 Afghan cases, not 5. 3 cases are scheduled for Wednesday and 3 cases for Thursday.

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**From:** Ruppel, Joanna  
**Sent:** Saturday, February 04, 2017 10:45 AM  
**To:** Nicholson, Maura J; Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Question I have is whether they have already reviewed the Afghans or they are still scheduled for this week. I was unclear on the days those were scheduled during the entire CR.

Joanna Ruppel  
Chief, International Operations Division  
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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**From:** Nicholson, Maura J  
**Sent:** Saturday, February 04, 2017 7:38:00 AM  
**To:** Ruppel, Joanna; Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All are Rohingya with the exception of 5 Afghan cases. The Indonesia CR is slated to end this Friday, February 10.

**From:** Ruppel, Joanna  
**Sent:** Saturday, February 04, 2017 10:36 AM  
**To:** Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Indonesia is mostly rohengya from Burma and some Afghan. Don't know what is scheduled for this week. Maura can check with Don.

Joanna Ruppel  
Chief, International Operations Division  
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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**From:** Strack, Barbara L  
**Sent:** Saturday, February 04, 2017 7:28:20 AM  
**To:** Groom, Molly M; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

To be clear: RAD's Monday cases are going forward under the "international agreements" caveat. There are, however, Iranian religious minorities.

I don't know the population in Indonesia.

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**From:** Groom, Molly M  
**Sent:** Saturday, February 04, 2017 10:15:10 AM  
**To:** Strack, Barbara L; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L

**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are double checking on whether the interviews can go forward of religious minorities under the TRO but understand none would happen til Monday. We will get back to you with our best advice. I recognize the judge may not have intended to stop them but want clear consensus on whether the language he used has that impact.

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**From:** Strack, Barbara L  
**Sent:** Saturday, February 04, 2017 10:11:31 AM  
**To:** Groom, Molly M; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

I think we can safely say: no efforts to prioritize religious minorities on RAIO's part.

The small # of refugee interviews that have been in progress remain in progress (or resume Monday): Vienna for RAD and (I believe) Indonesia for IO. RAD is making plans to get a team to Nauru -- not religious minorities -- for later Feb. After that, we'll need to talk w/PRM on Monday about what circuit rides they want to get back in motion.

In terms of refugees traveling, PRM is working on that w/IOM. It would be very hard to prioritize religious minorities in this process even if they tried: what will get "prioritized" is those cases that are most travel-ready -- i.e., all security checks, medical clearance, exit permits, etc. If they "prioritize" anyone, I expect that it would be medical cases, kids rejoining parents,, and unaccompanied minors, if they are travel-ready.

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**From:** Groom, Molly M  
**Sent:** Saturday, February 04, 2017 9:53:34 AM  
**To:** Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Strack, Barbara L; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are concerned that you not take any action that would prioritize refugee claims from religious minorities. Do you need more guidance than what went out last night? It may be easier to discuss. Let us know.

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**From:** Ruppel, Joanna  
**Sent:** Friday, February 03, 2017 9:44:02 PM  
**To:** Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Strack, Barbara L; Stone, Mary M  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Thanks. Adding RAD and Maura.

Would be most helpful if we could get that word to our staff as soon as tomorrow morning. Please keep in mind that our office in Amman is open Sunday. The message would basically be business as usual.

I also just got off the phone with Larry Bartlett. State understands that they are ordered to resume the refugee admission program. Tomorrow they will begin working with IOM to identify individuals ready to travel and

what needs to be done. They recognize that DOJ likely will challenge the order and, should the Injunction be removed, they may again have people in transit. So they would need to seek waivers.

Consular is working on "unfreezing" the visas that were frozen. Apparently, they were not revoked, but frozen. I am not familiar with those terms, but they were the ones Larry used.

Joanna

Joanna Ruppel  
Chief, International Operations Division  
U.S. Citizenship and Immigration Services

 (b)(6)

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**From:** Groom, Molly M  
**Sent:** Friday, February 03, 2017 6:25:29 PM  
**To:** Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Yes. You would resume to normal business prior to the EO being issued.

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**From:** Ruppel, Joanna  
**Sent:** Friday, February 03, 2017 9:21:48 PM  
**To:** Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D  
**Subject:** RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

For RAIO would this mean that we would resume adjudicating requests for travel documents and parole requests that we put on hold?

Joanna

Joanna Ruppel  
Chief, International Operations Division  
U.S. Citizenship and Immigration Services

 (b)(6)

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**From:** Groom, Molly M  
**Sent:** Friday, February 03, 2017 5:37:57 PM  
**To:** Scialabba, Lori L; Renaud, Tracy L; Ruppel, Joanna  
**Cc:** Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D  
**Subject:** FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

**Gillispie, Anna E**

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**From:** Scialabba, Lori L  
**Sent:** Friday, February 03, 2017 12:47 PM  
**To:** Ruppel, Joanna; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R  
**Subject:** RE: URGENT TIME SENSITIVE: Proposed Language for CAM parolees

I'm checking on it.

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**From:** Ruppel, Joanna  
**Sent:** Friday, February 03, 2017 11:32:33 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R  
**Subject:** URGENT TIME SENSITIVE: Proposed Language for CAM parolees

Here is our proposed language, based on what we understand the current thinking to be. Is this your understanding of the decision and can we message this as noted below? We have people scheduled to travel on Monday. IOM has booked and the beneficiaries have paid for their travel. Please note that approximately 190 people have booked travel. Of those, only one individual would be traveling with a refugee family member. [note, our numbers are from IOM, so we may be off a bit, but this is close]

**SUSPENSION OF TRAVEL FOR INDIVIDUALS GRANTED PAROLE UNDER THE CENTRAL AMERICAN MINORS REFUGEE/PAROLE PROGRAM (CAM)**

On January 27, 2017, President Donald J. Trump signed an Executive Order, "[Protecting the Nation From Terrorist Entry into the United States](#)" that called for an immediate suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days. In light of this temporary suspension, USCIS will also be pausing travel to the United States for all individuals granted parole under the Central American Minors Refugee/Parole Program. USCIS will act as follows:

- During this suspension, an applicant whose parole request has been approved by USCIS will be permitted to travel with any refugee family member who is permitted to travel pursuant to an exemption.
- The travel for all other individuals who were granted parole by USCIS under this program will be suspended until the U.S. Refugee Admission Program resumes for this population.

Joanna Ruppel  
Acting Associate Director  
USCIS Refugee, Asylum and International Operations Directorate

 (b)(6)

## Gillispie, Anna E

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**From:** Strack, Barbara L  
**Sent:** Friday, February 03, 2017 12:45 PM  
**To:** Arditti, Avi; Melero, Mariela; Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W  
**Cc:** Young, Todd P; Walters, Jessica S; Farnam, Julie E; Stone, Mary M; Chiorazzi, Anne; Villasenor, Eissa M  
**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO  
**Attachments:** Q&A USCIS Guidance on implementation FOD OCC RAIO.DOCX; Q&A USCIS Guidance on implementation FOD OCC RAIO CLEAN.DOCX

RAD respectfully disagrees w/Asylum's comment labeled GAC9 w/r/t interviewing religious minorities. The statement that we are conferring w/State covers both the 7 nationalities and others. We are not yet ready to make a distinction in a public-facing document.

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**From:** Arditti, Avi  
**Sent:** Friday, February 03, 2017 1:13 PM  
**To:** Melero, Mariela; Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W  
**Cc:** Young, Todd P; Walters, Jessica S; Farnam, Julie E  
**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

All – the attached (tracked and clean) reflects edits thus far, from FOD, OCC and RAIO, and adds a placeholder for a Q11 about advance parole.

Mariela – thanks! Also happy to help.

**Avi Arditti**

**Deputy Chief, Plain Language and Content Division | Office of Communications**

**(b)(6)**

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**From:** Melero, Mariela  
**Sent:** Friday, February 03, 2017 12:29 PM  
**To:** Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Arditti, Avi; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W  
**Cc:** Young, Todd P; Walters, Jessica S; Farnam, Julie E  
**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

We are happy to help draft language on AP.

Mariela



Mariela Melero  
Associate Director  
Customer Service and  
Public Engagement Directorate  
US Citizenship and Immigration Services

[REDACTED]  
(b)(6)

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**From:** Renaud, Tracy L

**Sent:** Friday, February 03, 2017 12:26 PM

**To:** Neufeld, Donald W; Groom, Molly M; Arditti, Avi; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W

**Cc:** Young, Todd P; Walters, Jessica S; Farnam, Julie E

**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

If people feel that we need to explicitly state that we are adjudicating requests for advance parole I am okay with doing that. It may be a good opportunity to reiterate the warning that we place on the advance parole document about it not being a guarantee of re-entry.

Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security

[REDACTED]  
(b)(6)

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**From:** Neufeld, Donald W

**Sent:** Friday, February 03, 2017 12:16 PM

**To:** Groom, Molly M; Arditti, Avi; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W

**Cc:** Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E

**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

Agree – but we should say definitively if we are processing or not processing AP requests.

**From:** Groom, Molly M

**Sent:** Friday, February 03, 2017 11:59 AM

**To:** Arditti, Avi; Levine, Laurence D; Neufeld, Donald W; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W

**Cc:** Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E

**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

I strongly suggest we do not provide answers to questions outside of USCIS's lane—that question is for CBP. I think our talking points should be limited to what we do.

**From:** Arditti, Avi

**Sent:** Friday, February 03, 2017 11:58 AM

**To:** Levine, Laurence D; Neufeld, Donald W; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W

**Cc:** Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E  
**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

Don -- this is from a set of CBP Info Center talking points -- still accurate, and if so, add to Q&As?

- Citizens of Iran, Iraq, Syria, Sudan, Libya, Yemen, and Somalia may use the following documents to travel to the U.S.:
  - Any diplomatic visa (A, G, C-2, or NATO)
  - An I-551 (Green Card)
  - A refugee or asylee travel document
  - An advance parole document
  - Any SQ immigrant visa

**Avi Arditti**

Deputy Chief, Plain Language and Content Division | Office of Communications

(b)(6)

**From:** Levine, Laurence D

**Sent:** Friday, February 03, 2017 11:57 AM

**To:** Neufeld, Donald W; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W

**Cc:** Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E

**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

We agree with Dan's edits and Don's point.

Larry Levine  
Acting Chief  
Office of Policy & Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

(b)(6)

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**From:** Neufeld, Donald W

**Sent:** Friday, February 03, 2017 11:52 AM

**To:** Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Doline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W

**Cc:** Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E

**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

Same here -- but I think we need to be clear on advance parole. We should either add something to question #1 or add a separate question.

**From:** Busch, Philip B

**Sent:** Friday, February 03, 2017 11:46 AM

**To:** Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L;

Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; Neufeld, Donald W; McCament, James W  
**Cc:** Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E  
**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

These look fine to us, thanks. Phil

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**From:** Renaud, Daniel M  
**Sent:** Friday, February 03, 2017 10:14:47 AM  
**To:** Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Busch, Philip B; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; Neufeld, Donald W; McCament, James W  
**Cc:** Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E  
**Subject:** RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

FOD's edits are attached.

Daniel M. Renaud  
Associate Director, Field Operations Directorate  
Department of Homeland Security | U.S. Citizenship and Immigration Services

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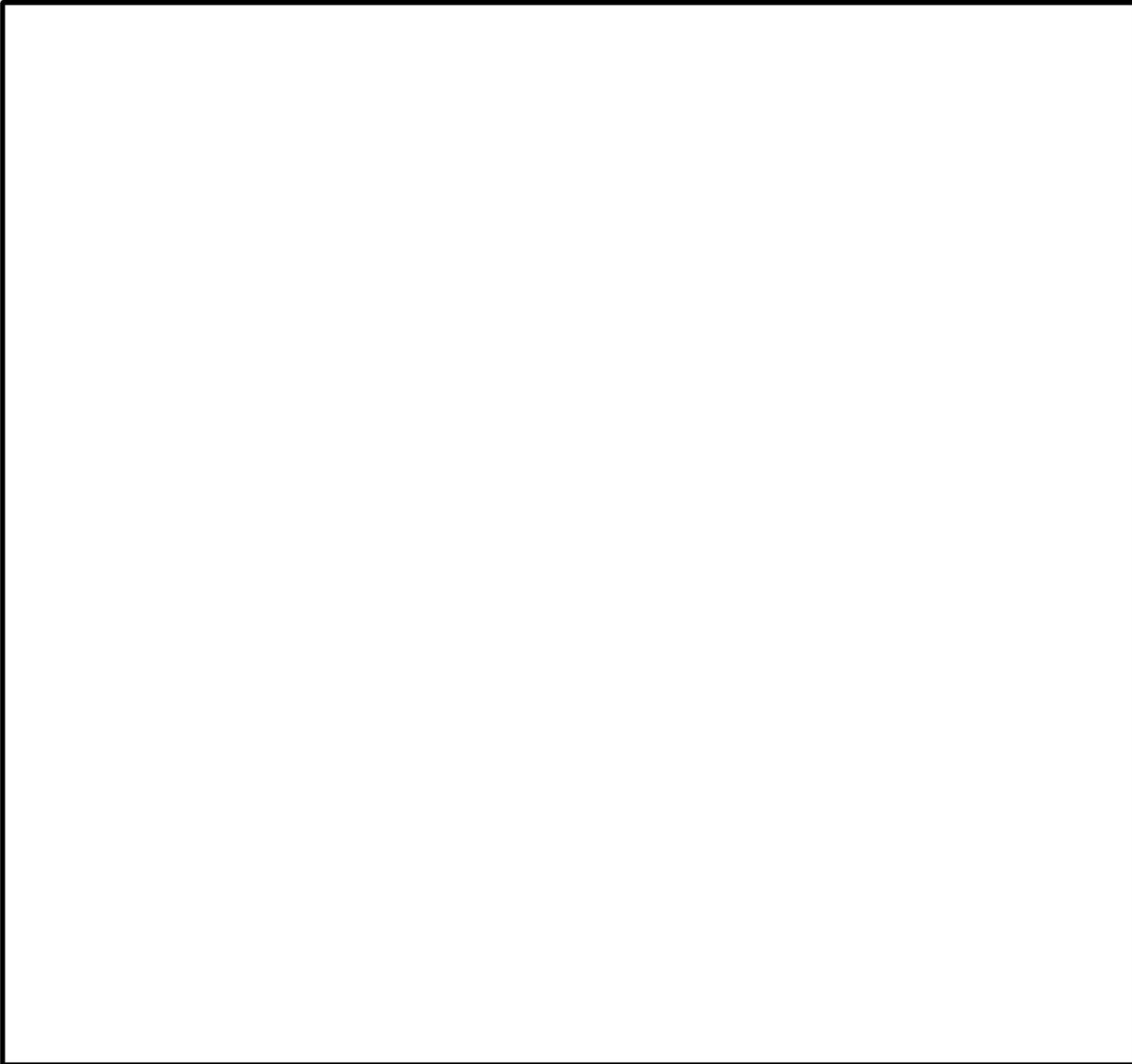
**From:** Alfonso, Angelica M  
**Sent:** Friday, February 03, 2017 9:48 AM  
**To:** Renaud, Daniel M; Valverde, Michael; Groom, Molly M; Busch, Philip B; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; Neufeld, Donald W; McCament, James W  
**Cc:** Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E  
**Subject:** UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

I attached the wrong doc – ignore the LG, please review Q/A. Thanks!!

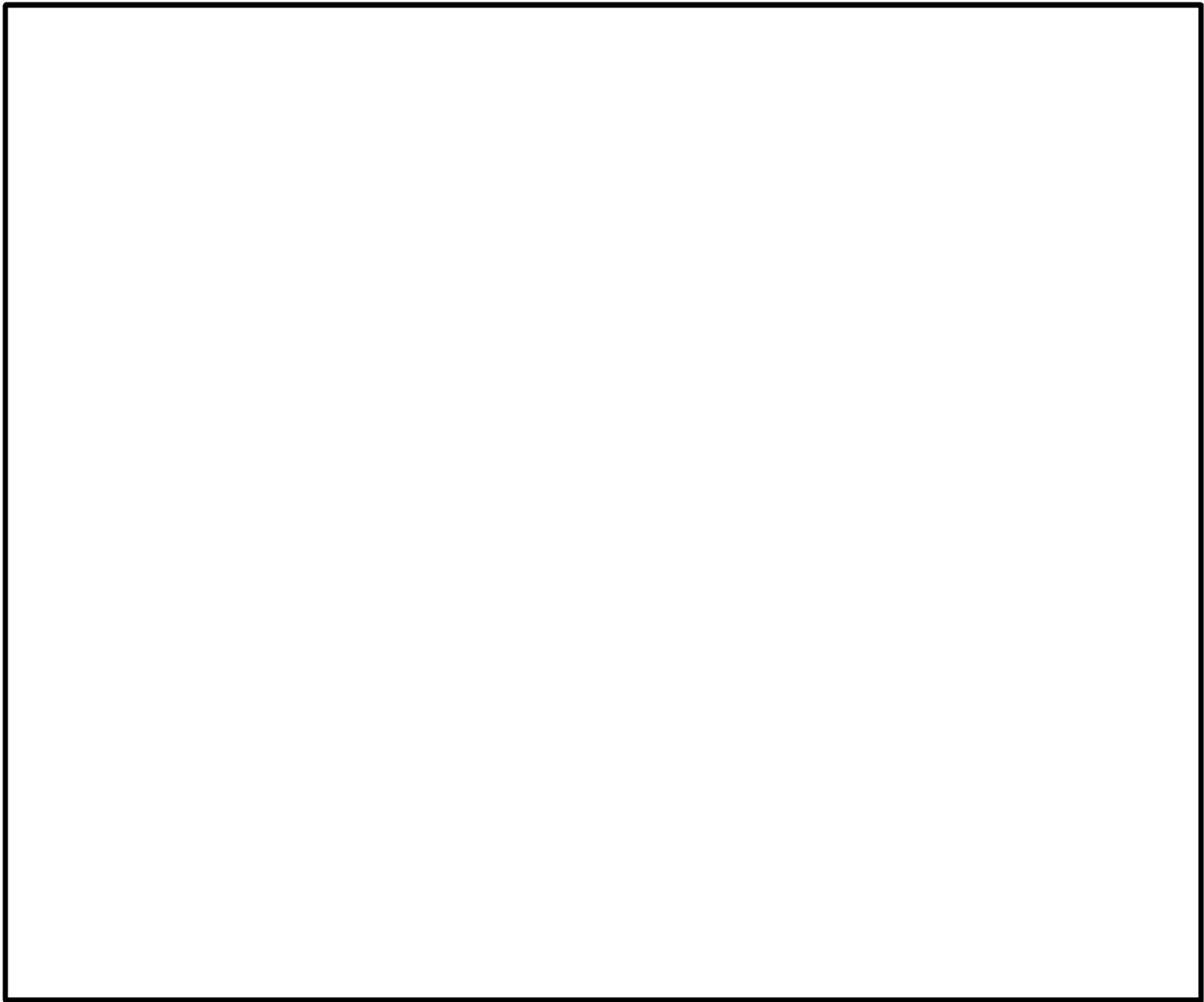
**From:** Alfonso, Angelica M (b)(6)  
**Sent:** Friday, February 03, 2017 9:43 AM  
**To:** Renaud, Daniel M; Valverde, Michael; Groom, Molly M; Busch, Philip B; [REDACTED] Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); [REDACTED] Levine, Laurence D; Emrich, Matthew D; [REDACTED] Davidson, Andrew J; Atkinson, Ronald A; [REDACTED] Patching, Laura D; [REDACTED] Neufeld, Donald W; McCament, James W  
**Cc:** Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; [REDACTED] Farnam, Julie E  
**Subject:** FOR URGENT CLEARANCE: Q/A Guidance Memo on EO  
**Importance:** High

Hi all, (b)(6)  
Attached, please find the Q/A associated with AD1 implementation memo. Please review and provide edits/clearance to Avi Arditti (cc'd) **NLT NOON TODAY**. These will be for internal/external use.  
Let me know if you have any question.  
Thanks,  
Angie

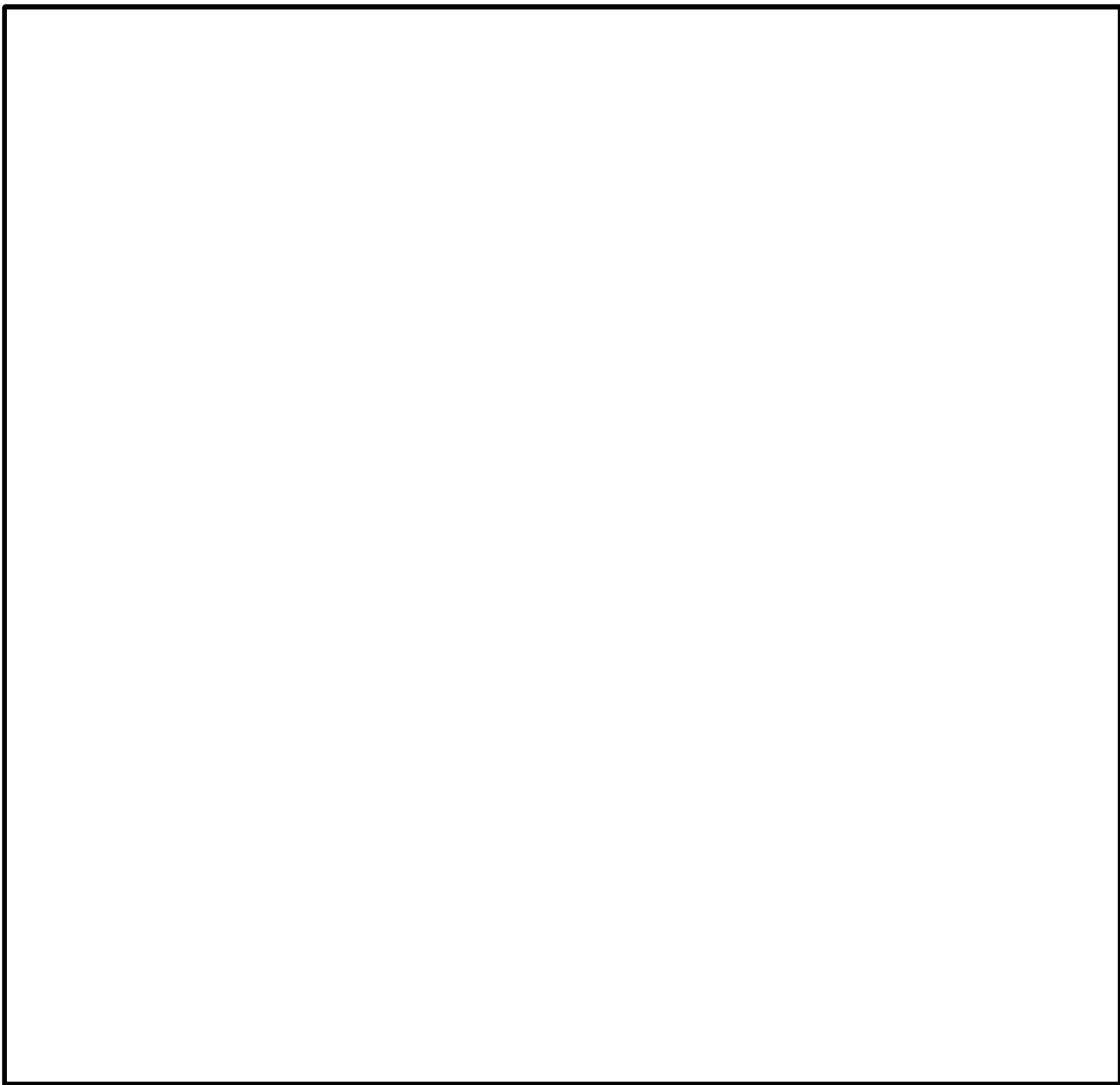
(b)(5)



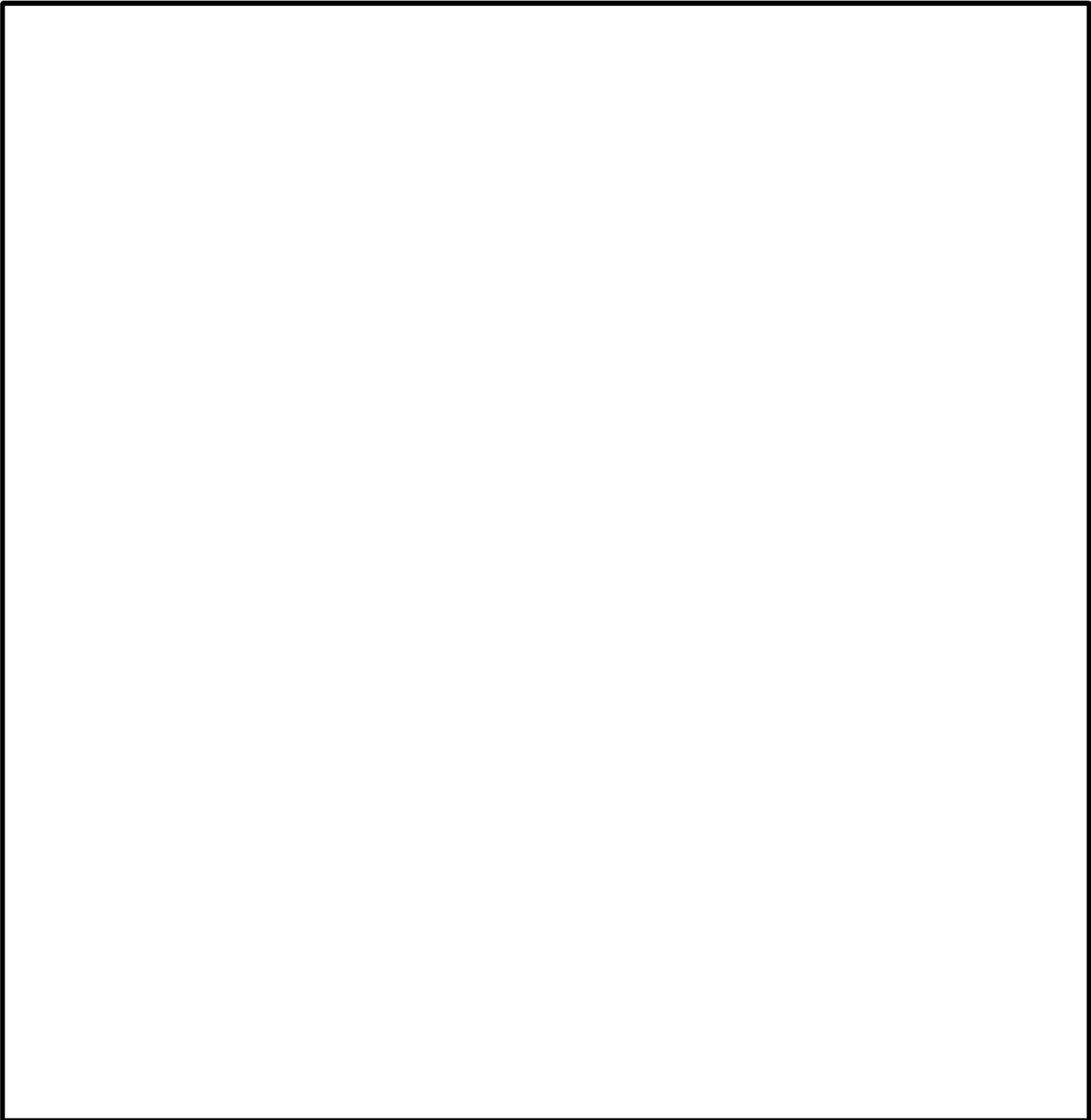
(b)(5)



(b)(5)



(b)(5)



## Gillispie, Anna E

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**From:** Taubes, Ethan J  
**Sent:** Friday, February 03, 2017 12:22 PM  
**To:** Walters, Jessica S  
**Subject:** FW: EO Guidance  
**Attachments:** EO 1-27 implementation guidance signed and dated.pdf

Grounds for momentary relief and celebration.

**From:** Raufer, Susan  
**Sent:** Friday, February 03, 2017 10:30 AM  
**To:** #ZNK Everyone  
**Subject:** FW: EO Guidance

Here it is! The guidance we have been following all week; that the recent Executive Order pertaining to the restriction of entry to persons from seven countries does not apply to the adjudication of asylum to persons from those same countries. Thank you for your confidence and patience as our leadership worked through this.

Please continue to assure your applicants of this at the outset of your interviews, as it may take time for the word to spread.

Sue

---

**From:** Kim, Ted H  
**Sent:** Thursday, February 02, 2017 5:40 PM  
**To:** Aguilar, Kimberly M; Bardini, Emilia M; Boyle, Meghann W; Bundy, Kelsey D; Daum, Robert L; Flanagan, Lisa M; Gadson, Irvin C; Ho, Cheri L; Hong, Marianne X; Hussey, Jedidah M; Kline, Jennifer M; Madsen, Kenneth S; Menges, Patricia A; Papazian, Varsenik L; Radel, David M; Raufer, Susan; Rellis, Jennifer L; Varghese, Mathew C; Varghese, Sunil R  
**Cc:** Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Lafferty, John L; Mura, Elizabeth E; Pilotti, David A; Potts-Hansen, Stephanie N; Roberts, Rhonda J; Schaper, Michael C; Tanner, Rebecca S  
**Subject:** FW: EO Guidance

Attached is the written formal USCIS guidance that we have been waiting for that allows us to resume adjudicating affirmative asylum cases as normal.

I also checked with CSPED, and if you are asked by members of the public if we are operating "business as usual," we can respond affirmatively. If the inquiries are more complicated than that or relate to other aspects of the Executive Orders, please continue to forward those to me for response by HQ CSPED.

Thanks,  
Ted

**From:** Farnam, Julie E  
**Sent:** Thursday, February 02, 2017 5:32 PM  
**To:** Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen



R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy  
**Cc:** Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L  
**Subject:** RE: EO Guidance

Signed and dated copy attached. Have a good evening!

---

**From:** Farnam, Julie E  
**Sent:** Thursday, February 02, 2017 5:20 PM  
**To:** Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [REDACTED] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy  
**Cc:** Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)  
**Subject:** RE: EO Guidance

Please hold off on disseminating just yet. The copy was not dated. I'll send an updated version in just a minute.

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**From:** Farnam, Julie E  
**Sent:** Thursday, February 02, 2017 5:13 PM  
**To:** Button, Maria G (Gemma); Hatchett, Doline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [REDACTED] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy  
**Cc:** Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)  
**Subject:** EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam  
Senior Advisor  
Field Operations Directorate  
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)

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U.S. Citizenship  
and Immigration  
Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba *Lori Scialabba*  
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.
2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.
3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.
5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

**Gillispie, Anna E**

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**From:** Farnam, Julie E  
**Sent:** Friday, February 03, 2017 11:32 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Young, Todd P; Walters, Jessica S; Duggan, Steven  
**Subject:** Deliverable--Section 3a EO#3  
**Attachments:** TEMPLATE\_E.O Section 3 Data Call USCIS.docx

Lori/Tracy,

Attached is the summary of information we would like from other countries to assist in our adjudications (Section 3a of the Terrorist Entry EO). This includes input from the operational components and has been cleared by OCC. The document is due to DHS today. Please let me know if you'd like any edits or additions.

Thank you,  
Julie Farnam  
Senior Advisor  
Field Operations Directorate  
U.S. Citizenship and Immigration Services



(b)(6)

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COMPONENT DATA CALL

General Instructions for Section 3 of Executive Order

(b)(5)

"Protecting the Nation from Foreign Terrorist Entry into the United States"

(b)(7)(e)

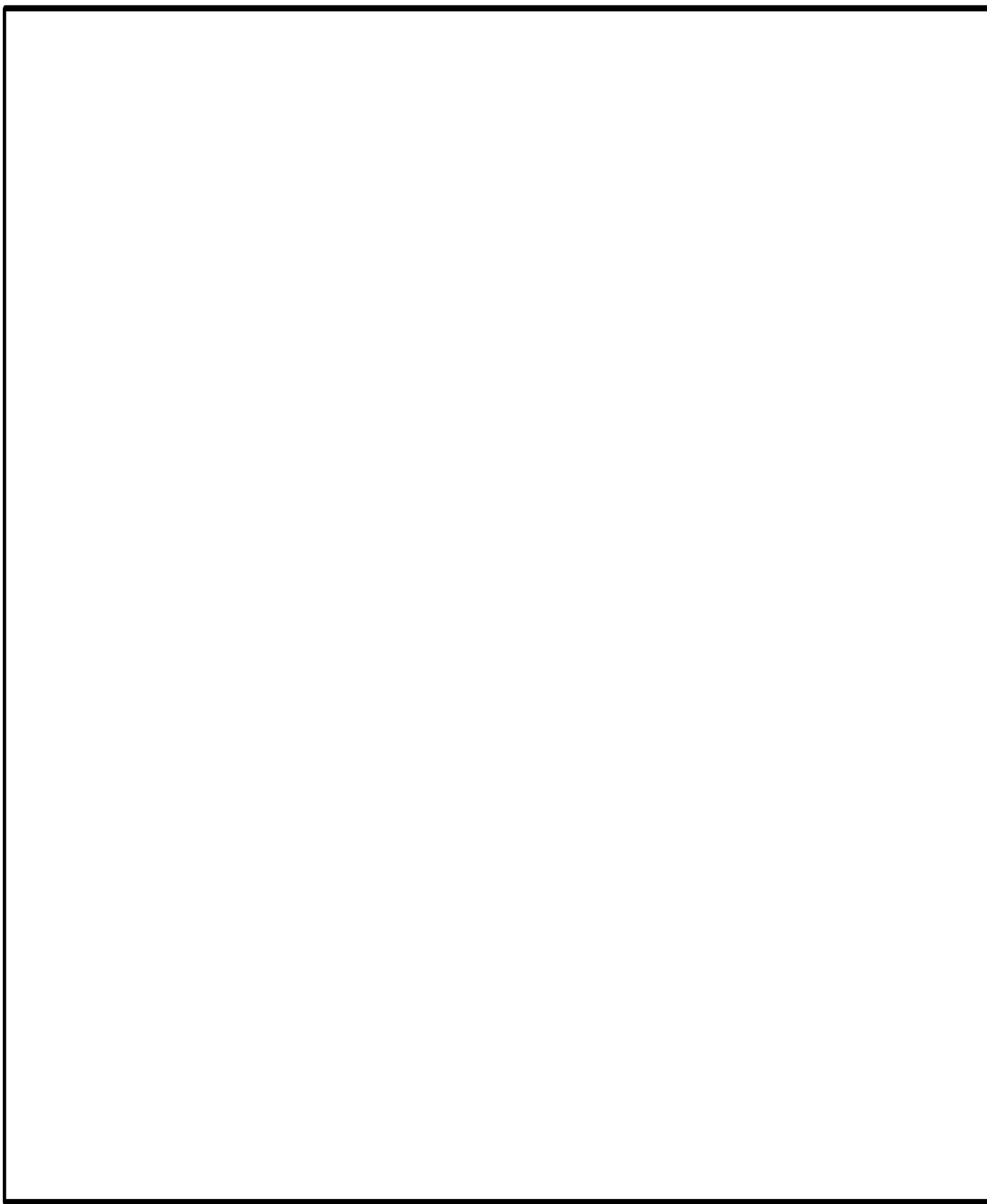
Data Objective 1: Confirm Individual's Identity

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(b)(5)

(b)(7)(e)



(b)(7)(e)

(b)(5)

--

**Data Objective 3: Determine Public Safety (Law Enforcement and Illegal Immigration) Risk**

1. Data Type	2. Data Integrity	3. Contribution Public Safety Determination	4. Need v. Want	5. Presently Covered by Agreement etc.	6. Challenges in Acquiring the Data	7. Challenges in Using the Data	8. Notes

(b)(7)(e)



(b)(5)

(b)(7)(e)



Submitted by: Lori Scialabba

Component: USCIS

POC (Name, email, telephone): Julie Farnam



(b)(6)

Cleared By:

## Gillispie, Anna E

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**From:** Ruppel, Joanna  
**Sent:** Friday, February 03, 2017 10:34 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R  
**Subject:** RE: URGENT TIME SENSITIVE: Proposed Language for CAM parolees

Just one more piece of info for most immediate travel scheduled:

20 people booked to travel Monday  
36 people booked to travel Tuesday  
31 people booked to travel on Wednesday

**From:** Ruppel, Joanna  
**Sent:** Friday, February 03, 2017 11:33 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R  
**Subject:** URGENT TIME SENSITIVE: Proposed Language for CAM parolees  
**Importance:** High

Here is our proposed language, based on what we understand the current thinking to be. Is this your understanding of the decision and can we message this as noted below? We have people scheduled to travel on Monday. IOM has booked and the beneficiaries have paid for their travel. Please note that approximately 190 people have booked travel. Of those, only one individual would be traveling with a refugee family member. [note, our numbers are from IOM, so we may be off a bit, but this is close]

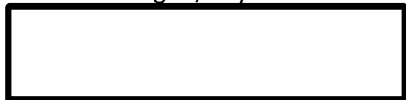
### **SUSPENSION OF TRAVEL FOR INDIVIDUALS GRANTED PAROLE UNDER THE CENTRAL AMERICAN MINORS REFUGEE/PAROLE PROGRAM (CAM)**

On January 27, 2017, President Donald J. Trump signed an Executive Order, "Protecting the Nation From Terrorist Entry into the United States" that called for an immediate suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days. In light of this temporary suspension, USCIS will also be pausing travel to the United States for all individuals granted parole under the Central American Minors Refugee/Parole Program. USCIS will act as follows:

- During this suspension, an applicant whose parole request has been approved by USCIS will be permitted to travel with any refugee family member who is permitted to travel pursuant to an exemption.
- The travel for all other individuals who were granted parole by USCIS under this program will be suspended until the U.S. Refugee Admission Program resumes for this population.

Joanna Ruppel

Acting Associate Director  
USCIS Refugee, Asylum and International Operations Directorate



(b)(6)

## Gillispie, Anna E

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**From:** Swanson, Toni  
**Sent:** Friday, February 03, 2017 10:27 AM  
**To:** Walters, Jessica S; Young, Todd P  
**Subject:** FW: Putative Class Action Challenging CARRP and the 1-27 EO: Wagafe v. USCIS  
**Attachments:** Wagafe v USCIS, No. 17-cv-00094 WD Wash.pdf

FYI

Toni Swanson | Senior Advisor | Office of the Acting Director  
U.S. Citizenship and Immigration Services | U.S. Department of Homeland Security |

(b)(6)

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**From:** Franke, Evan R  
**Sent:** Friday, February 03, 2017 11:26 AM  
**To:** Scialabba, Lori L; Emrich, Matthew D; Renaud, Daniel M  
**Cc:** Swanson, Toni; Neufeld, Donald W; Davidson, Andrew J; Valverde, Michael; Roll, Annemarie E; Duehning, Kelli J; Zill, Katherine F; Miller, Caitlin E; Malashock, Moshe Y; Miles, John D; Groom, Molly M; Busch, Philip B; Finley, William L (Bill); Healy, Theresa M; Raymond, Robert R  
**Subject:** Putative Class Action Challenging CARRP and the 1-27 EO: Wagafe v. USCIS

Dear Lori, Matt and Dan,

I wanted to alert you to a new filing against USCIS (attached). The case is pled as a national class action and is the first case that merges an attack on the 1-27 EO with an attack on CARRP. The case is filed in Seattle in the Western District of Washington. Currently there are two named plaintiffs, and we are tracking down who they are and what we have in our systems. We will work with our field attorneys, FOD and FDNS to coordinate our response. The case was originally filed before the release of the EO (filing date Jan. 23), but was quickly amended to include a challenge to the EO along with a challenge to CARRP on Feb. 1. DOJ notified us about the case last night. We have not yet confirmed service of either the original or the amended complaint. The plaintiffs have not yet filed a motion to certify the class(es).

The plaintiffs' representatives include NWIRP, national ACLU and several local chapters of the ACLU, the National Lawyers Guild and other advocacy groups involved in the national litigation against the EO.

Chris Dempsey's new team at OIL DCS has the lead on the case for DOJ. Two trial attorneys on the team, Aaron Petty and Ed White will be handling the case.

We have reported the case up to DHS OGC. Because there is no preliminary relief requested, we are still providing support on the responses to the more exigent EO cases currently pending, and we will meet with OIL DCS early next week to refine our approach to the case. In preparation, we will identify the individuals, what records we hold about them, and the location of pending adjudications and files.

Please don't hesitate to contact me if you have any questions or concerns. Caitlin Miller and Yoel Malashock on my team will, at present, have the lead on this case for OCC.

Regards,

Evan

Evan R Franke  
Chief, Litigation and National Security Coordination Division  
Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
20 Massachusetts Avenue, N.W.  
Suite 4210  
Washington, D.C. 20529-2120

(b)(6)

Litigation Issues Emailbox: [OCC.Lcd@dhs.gov](mailto:OCC.Lcd@dhs.gov)  
National Security Issues Emailbox: [USCISoccNSCD@dhs.gov](mailto:USCISoccNSCD@dhs.gov)

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Thank you.

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABDIQAFAR WAGAFE and MEHDI  
OSTADHASSAN on behalf of themselves and  
others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the United  
States; UNITED STATES CITIZENSHIP  
AND IMMIGRATION SERVICES; JOHN F.  
KELLY, in his official capacity as Secretary of  
the U.S. Department of Homeland Security;  
LORI SCIALABBA, in her official capacity as  
Acting Director of the U.S. Citizenship and  
Immigration Services; MATTHEW D.  
EMRICH, in his official capacity as Associate  
Director of the Fraud Detection and National  
Security Directorate of the U.S. Citizenship  
and Immigration Services; DANIEL  
RENAUD, in his official capacity as Associate  
Director of the Field Operations Directorate of  
the U.S. Citizenship and Immigration Services,

Defendants.

COMPLAINT-CLASS ACTION

Case No: 2:17-cv-00094-JCC

**AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

## INTRODUCTION

1. This class action lawsuit seeks to stop the federal government from unconstitutionally preventing Plaintiffs, and others like them, from obtaining immigration benefits, including, but not limited to, asylum, naturalization, lawful permanent residence, and employment authorization.

2. On January 27, 2017, President Trump issued an Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States.”

3. Section 3 of the Executive Order suspends entry into the United States of citizens or nationals of Syria, Iraq, Iran, Yemen, Somalia, Sudan, and Libya, all of which are predominantly Muslim countries, for 90 days or more. Although the Executive Order says nothing about suspending adjudications, U.S. Citizenship and Immigration Service (“USCIS”) has determined that the Executive Order requires it to suspend adjudication or final action on *all* pending petitions, applications, or requests involving citizens or nationals of those seven countries with the exception of naturalization applications.

4. Section 4 of the Executive Order further directs federal agencies to create and implement a policy of extreme vetting of all immigration benefits applications to identify individuals who are seeking to enter the country based on fraud and with the intent to cause harm or who are at risk of causing harm after admission. Any such “extreme vetting” policy will expand a current USCIS program called the Controlled Application Review and Resolution Program (“CARRP”). CARRP imposes extra-statutory rules and criteria to delay and deny immigration benefits to which applicants are entitled.

5. Plaintiff Abdiqafar Wagafe is a Somali national who has applied for and is eligible to naturalize as a United States citizen. He has been waiting three and a half years for a decision on his naturalization application.

6. Plaintiff Mehdi Ostadhassan is an Iranian national who has applied for and is eligible to adjust his status to that of a permanent resident. He has waited three years for a decision on his adjustment of status application.

7. Both Plaintiffs are practicing Muslims and long-term residents of the United States. Adjudication of Plaintiff Ostadhassan’s application is now suspended. This suspension, as well as the inordinate delays both he and Plaintiff Wagafe have faced, have held and will hold the lives of Plaintiffs, and others like them, in a state of limbo. They are prevented from having certainty about their future

1 residence in the United States, from being able to travel overseas, from petitioning for immigration  
 2 benefits for family members, from obtaining jobs available only to U.S. citizens, and from voting in U.S.  
 3 elections.

4 8. On behalf of themselves, and others similarly situated, Plaintiffs request that this Court order  
 5 USCIS to resume adjudications of immigration benefits applications for citizens or nationals of Syria,  
 6 Iraq, Iran, Yemen, Somalia, Sudan, and Libya. They also seek to enjoin the federal government from  
 7 subjecting them and others like them—immigrants who are living in the United States and who are  
 8 applying for naturalization or adjustment of status as permanent residents—to any “extreme vetting” and  
 9 screening program that imposes unlawful criteria for adjudication and approval of their applications and  
 10 that is ultra vires to the Constitution and immigration laws and is based on unconstitutional animus  
 11 towards people of the Muslim faith or from Muslim-majority countries.

12 9. The Executive Order and application of CARRP<sup>1</sup> to pending immigration applications are  
 13 unlawful and unconstitutional. The Executive Order reflects a preference for one religious faith over  
 14 another in the adjudication of immigration applications, and, *inter alia*, discriminates against immigrants  
 15 who are Muslim or from Muslim-majority countries on the basis of their religion and country of origin.  
 16 CARRP and the “extreme vetting” program to be established under the Executive Order are similarly  
 17 unlawful and ultra vires. The Constitution expressly assigns to Congress, not the executive branch, the  
 18 authority to establish uniform rules of naturalization. The Immigration and Nationality Act (“INA”) sets  
 19 forth those rules, along with the requirements for adjustment of status to lawful permanent residence,  
 20 asylum, and all other immigration benefits. By creating additional, non-statutory, substantive criteria for  
 21 adjudicating immigration applications, CARRP and any successor “extreme vetting” program violate the  
 22 INA, Article I of the Constitution, and the Due Process Clause.

23 10. Without intervention by this Court, the applications of Plaintiff Ostadhassan and proposed class  
 24 members will be unlawfully suspended due to the application of the Executive Order, and adjudications

---

25  
 26 <sup>1</sup> As set forth below in paragraph 70, USCIS did not make information about CARRP public, and the  
 27 program only was discovered through fortuity during federal court litigation. To the extent the program  
 28 has shifted in name, scope, or method, Plaintiffs may have no way to obtain that information. Thus,  
 Plaintiffs’ reference to “CARRP” incorporates any similar non-statutory and sub-regulatory successor  
 vetting policy.



1 of both Plaintiff's and proposed class members' applications will be unlawfully subject to, and  
 2 adjudicated under, CARRP or a successor "extreme vetting" program.

3 11. Plaintiffs therefore request that the Court order USCIS to resume adjudications of immigration  
 4 benefits applications for citizens and nationals of the seven countries identified in the Executive Order  
 5 and enjoin USCIS from applying CARRP (or any similar ultra vires policy/successor "extreme vetting"  
 6 program) to their immigration applications and the applications of similarly situated individuals.

### 7 8 JURISDICTION AND VENUE

9 12. Plaintiffs allege violations of the INA, the Administrative Procedure Act ("APA"), and the U.S.  
 10 Constitution. This Court has subject matter jurisdiction under 28 U.S.C. § 1331. This Court also has  
 11 authority to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202, and injunctive relief under 5  
 12 U.S.C. § 702 and 28 U.S.C. § 1361.

13 13. Venue is proper in the Western District of Washington under 28 U.S.C. §§ 1391(b) and 1391(e)  
 14 because (1) Plaintiff Abdiqafar Wagafe, a lawful permanent resident of the United States, resides in this  
 15 district and no real property is involved in this action; (2) a substantial part of the events giving rise to  
 16 the claims occurred in this district; and (3) Plaintiffs sue Defendants in their official capacity as officers  
 17 of the United States.

### 18 PARTIES

19 14. Plaintiff Abdiqafar Wagafe is a thirty-two-year-old Somali national and a lawful permanent  
 20 resident of the United States. He has lived in the United States since May 2007 and currently resides in  
 21 SeaTac, Washington. He is Muslim. He applied for naturalization in November 2013. Even though he  
 22 satisfies all statutory criteria for naturalization, USCIS has subjected his application to CARRP or its  
 23 successor "extreme vetting" program, and as a result, a final decision has not been issued.

24 15. Plaintiff Mehdi Ostadhassan is a thirty-three-year-old national of Iran. He has lived in the  
 25 United States since 2009 and resides in Grand Forks, North Dakota. He applied for adjustment to lawful  
 26 permanent resident status in February 2014. He is Muslim. Even though he satisfies all statutory  
 27 criteria for adjustment of status, USCIS has suspended adjudication of his application under the  
 28 Executive Order and subjected his application to CARRP or its successor "extreme vetting" program,

1 and as a result, a final decision has not been issued.

2 16. Defendant Donald Trump is the President of the United States. Plaintiffs sue Defendant Trump  
3 in his official capacity.

4 17. Defendant USCIS is a component of the Department of Homeland Security (“DHS”), and is  
5 responsible for overseeing the adjudication of immigration benefits. USCIS implements federal law and  
6 policy with respect to immigration benefits applications.

7 18. Defendant John F. Kelly is the Secretary of DHS, the department under which USCIS and  
8 several other immigration agencies operate. Accordingly, Secretary Kelly has supervisory responsibility  
9 over USCIS. Plaintiffs sue Defendant Kelly in his official capacity.

10 19. Defendant Lori Scialabba is the Acting Director of USCIS. Acting Director Scialabba  
11 establishes and implements immigration benefits applications policy for USCIS and its subdivisions.  
12 Plaintiffs sue Defendant Scialabba in her official capacity.

13 20. Defendant Matthew D. Emrich is the Associate Director of the Fraud Detection and National  
14 Security Directorate of USCIS (“FDNS”), which is ultimately responsible for determining whether  
15 individuals filing applications for immigration benefits pose a threat to national security, public safety,  
16 or the integrity of the nation’s legal immigration system. Associate Director Emrich establishes and  
17 implements policy for FDNS. Plaintiffs sue Defendant Emrich in his official capacity.

18 21. Defendant Daniel Renaud is the Associate Director of the Field Operations Directorate of  
19 USCIS, which is responsible for and oversees the processing and adjudication of immigration benefits  
20 applications through the USCIS field offices and the National Benefits Center. Plaintiffs sue Defendant  
21 Renaud in his official capacity.

## 22 **LEGAL FRAMEWORK**

### 23 **A. Naturalization**

24 22. To naturalize as a U.S. citizen, an applicant must satisfy certain eligibility criteria under the INA  
25 and its implementing regulations. *See generally* 8 U.S.C. §§ 1421-1458; 8 C.F.R. §§ 316.1-316.14.

26 23. Applicants must prove that they are “at least 18 years of age,” 8 C.F.R. § 316.2(a)(1); have  
27 “resided continuously, after being lawfully admitted” in the United States, “for at least five years”; and  
28 have been “physically present” in the United States for “at least half of that time,” 8 U.S.C.

1 § 1427(a)(1).

2 24. Applicants must also demonstrate “good moral character” for the five years preceding the date of  
3 application, “attach[ment] to the principles of the Constitution of the United States, and favorabl[e]  
4 dispos[ition] toward the good order and happiness of the United States . . . .” 8 C.F.R. § 316.2(a)(7).

5 25. An applicant is presumed to possess the requisite “good moral character” for naturalization  
6 unless, during the five years preceding the date of the application, he or she is found (1) to be a habitual  
7 drunkard, (2) to have committed certain drug-related offenses, (3) to be a gambler whose income derives  
8 principally from gambling or has been convicted of two or more gambling offenses, (4) to have given  
9 false testimony for the purpose of obtaining immigration benefits; or if the applicant (5) has been  
10 convicted and confined to a penal institution for an aggregate period of 180 days or more, (6) has been  
11 convicted of an aggravated felony, or (7) has engaged in conduct such as aiding Nazi persecution or  
12 participating in genocide, torture, or extrajudicial killings. 8 U.S.C. § 1101(f)(6).

13 26. The statutory and regulatory requirements set forth in paragraphs 23-24 are less stringent for  
14 certain persons who married U.S. citizens and employees of certain nonprofit organizations, in that less  
15 than five years of residency and good moral character are required. *See generally* 8 U.S.C. § 1430; 8  
16 C.F.R. §§ 319.1 and 319.4.

17 27. An applicant is barred from naturalization for national security-related reasons in circumstances  
18 limited to those codified in 8 U.S.C. § 1424, including, *inter alia*, if the applicant has advocated, is  
19 affiliated with any organization that advocates, or writes or distributes information that advocates, “the  
20 overthrow by force or violence or other unconstitutional means of the Government of the United States,”  
21 the “duty, necessity, or propriety of the unlawful assaulting or killing of any officer . . . of the  
22 Government of the United States,” or “the unlawful damage, injury, or destruction of property.”

23 28. Once an individual submits an application, USCIS must conduct a background investigation, *see*  
24 8 U.S.C. § 1446(a); 8 C.F.R. § 335.1, which includes a full criminal background check by the Federal  
25 Bureau of Investigation (“FBI”), *see* 8 C.F.R. § 335.2.

26 29. After completing the background investigation, USCIS must schedule a naturalization  
27 examination at which the applicant meets with a USCIS examiner for an interview.

28 30. In order to avoid inordinate processing delays and backlogs, Congress has stated “that the

processing of an immigration benefit application,” which includes naturalization, “should be completed not later than 180 days after the initial filing of the application.” 8 U.S.C. § 1571(b). USCIS must either grant or deny a naturalization application within 120 days of the date of the examination. 8 C.F.R. § 335.3.

31. If the applicant has complied with all requirements for naturalization, federal regulations state that USCIS “*shall* grant the application.” 8 C.F.R. § 335.3(a) (emphasis added).

32. Courts have long recognized that “Congress is given power by the Constitution to establish a uniform Rule of Naturalization. . . . And when it establishes such uniform rule, those who come within its provisions are entitled to the benefit thereof as a matter of right. . . .” *Schwab v. Coleman*, 145 F.2d 672, 676 (4th Cir. 1944) (emphasis added); *see also Marcantonio v. United States*, 185 F.2d 934, 937 (4th Cir. 1950) (“The opportunity having been conferred by the Naturalization Act, there is a statutory right in the alien to submit his petition and evidence to a court, to have that tribunal pass upon them, and, if the requisite facts are established, to receive the certificate.” (quoting *Tutun v. United States*, 270 U.S. 568, 578 (1926))).

33. Once an application is granted, the applicant is sworn in as a United States citizen.

#### **B. Adjustment of Status to Lawful Permanent Resident**

34. Federal law allows certain non-citizens to adjust their immigration status to that of a lawful permanent resident (“LPR”).

35. Several events may trigger eligibility to adjust to LPR status, including, but not limited to, an approved petition through a family member, such as a U.S. citizen spouse, or employer. *See, e.g.*, 8 U.S.C. § 1255(a); 8 C.F.R. § 245.1.

36. In general, a noncitizen who is the beneficiary of an approved immigrant visa petition and who is physically present in the United States may adjust to LPR status if he or she “makes an application for such adjustment,” was “inspected and admitted or paroled” into the United States, is eligible for an immigrant visa and admissible to the United States, and the immigrant visa is immediately available to the applicant at the time the application is filed. 8 U.S.C. §§ 1255(a)(1)-(3); 8 C.F.R. § 245.1.

37. An adjustment applicant may be found inadmissible, and therefore ineligible to become an LPR, if certain security-related grounds apply, including, *inter alia*, the applicant has engaged in terrorist

activity, is a representative or member of a terrorist organization, endorses or espouses terrorist activity, or incites terrorist activity. *See* 8 U.S.C. § 1182(a)(3). USCIS's definition of a national security concern in CARRP is significantly broader than these security-related grounds of inadmissibility set by Congress.

38. Congress has directed USCIS to process immigration benefit applications, including for adjustment of status, within 180 days. 8 U.S.C. § 1571(b).

### C. Other Immigration Benefits

39. Federal laws provide noncitizens living within the United States the opportunity to apply for a myriad of other immigration benefits apart from either naturalization or adjustment of status.

40. For example, persons fleeing persecution or torture may apply for asylum under 8 U.S.C. § 1158, or withholding of removal, under 8 U.S.C. § 1231(b)(3). Victims of certain crimes and trafficking who have suffered serious harm and who have cooperated with law enforcement may apply for nonimmigrant visas under 8 U.S.C. §§ 1101(a)(15)(T), (U). Certain noncitizens from designated countries may apply for Temporary Protected Status ("TPS") in the event of, *inter alia*, a natural disaster or political upheaval in their country of origin. 8 U.S.C. § 1254a. In addition, a significant number of noncitizens within the United States are eligible for employment authorization based on either their current immigration status, their employment status, or their temporary immigration status, including while other applications for immigration benefits are pending. *See generally* 8 C.F.R. § 274.12a(a)-(c).

41. Every immigration benefit has enumerated statutory and/or regulatory requirements that applicants must affirmatively establish to demonstrate eligibility. In addition, each applicant generally must show that they are admissible under 8 U.S.C. § 1182 and/or are that any past immigration violation or criminal conduct does not disqualify them for the benefit sought. *See, e.g.*, 8 U.S.C., §§ 1158(b)(2) (precluding asylum eligibility to individuals found to have persecuted others, to have been convicted of "a particularly serious crime," or to present a danger to national security); 1231(b)(3)(B) (precluding applicants from receiving withholding of removal based on national security grounds); 1254a(c)(2)(B)(i) (precluding applicants from qualifying for TPS if they have been convicted of a felony or two or more misdemeanors).

### FACTUAL BACKGROUND

**A. Executive Order of January 27, 2017**

42. President Donald Trump campaigned for election on promises to ban Muslims from coming to the United States.

43. On December 7, 2015, the Trump campaign issued a press release stating that “Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on.” The press release is attached hereto as Exhibit A.

44. In March 2016, Defendant Trump said, “Frankly, look, we’re having problems with the Muslims, and we’re having problems with Muslims coming into the country.” Alex Griswold, *Trump Responds to Brussels Attacks: ‘We’re Having Problems with the Muslims,’* MEDIAITE, Mar. 22, 2016, available at <http://www.mediaite.com/tv/trump-responds-to-brussels-attack-were-having-problems-with-the-muslims/> (last visited: Feb. 1, 2017).

45. On June 14, 2016, Defendant Trump promised to ban all Muslims entering this country until “we as a nation are in a position to properly and perfectly screen those people coming into our country.” The transcript of his speech is attached hereto as Exhibit B.

46. In a speech on August 15, 2016, Defendant Trump said that the United States could not “adequate[ly] screen[]” immigrants because it admits “about 100,000 permanent immigrants from the Middle East every year.” Defendant Trump proposed creating an ideological screening test for immigration applicants, which would “screen out any who have hostile attitudes towards our country or its principles—or who believe that Sharia law should supplant American law.” During the speech, he referred to his proposal as “extreme, extreme vetting.” A copy of his prepared remarks are attached hereto as Exhibit C. A video link to the delivered speech is available at: <https://www.c-span.org/video/?413977-1/donald-trump-delivers-foreign-policy-address> (quoted remarks at 50:46).

47. During an August 2016 speech, Michael Flynn, who is now President Trump’s National Security Advisor, called Islam “a political ideology,” suggesting it is not a religion, and called it “a vicious cancer inside the body of 1.7 billion people on this planet and it has to be excised.” A copy of a news article reporting this speech is attached hereto as Exhibit D. A video link with clips of his speech is available at: <http://www.cnn.com/2016/11/22/politics/kfile-michael-flynn-august-speech/>.

48. On January 20, 2017, Donald Trump was inaugurated as the President of the United States.

49. In his first television appearance as President, he again referred to his plan for “extreme vetting.” The transcript of this interview is attached hereto as Exhibit E.

50. On January 27, 2017, one week after taking office, Defendant Trump signed an executive order entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States.” The Executive Order is attached hereto as Exhibit F and is hereinafter referred to as the “EO.” On information and belief, and in light of the statements by Mr. Trump and his advisors set forth above, the EO was intended to target Muslims.

51. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the processing of certain immigration benefits. Most relevant to the instant action is Section 3 of the EO, which falls within a section entitled “Suspension of Issuance of Visas and Other Immigration Benefits,” in which President Trump orders, in Section 3(a), an immediate “review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.” In Section 3(c), the order then explains that to reduce the burden of the reviews described in Section 3(a), “immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States,” and that Defendant Trump is therefore “suspend[ing] entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order.”

52. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. The populations of those countries are overwhelmingly Muslim.

53. The EO purports to rely on 8 U.S.C. § 1182(f) for the authority to suspend entry into the United States.

54. On information and belief, USCIS relies on Section 3 of the EO to suspend processing immigrant visas and immigration benefits.

55. Section 4 of the EO orders the creation of a screening program for all immigration benefits applications, which will seek to identify individuals “who are seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their

admission” and “a process to evaluate the applicant’s likelihood of becoming a positively contributing member of society and the applicant’s ability to make contributions to the national interest.”

56. Sections 5(a) and (b) of the EO suspends the U.S. Refugee Admissions Program in its entirety for 120 days and then, upon its resumption, directs the program to prioritize refugees who claim persecution on the basis of religious-based persecution, “provided that the religion of the individual is a minority religion in the individual’s country of nationality.” Section 5(e) states that notwithstanding the suspension of the Refugee Program, on a case-by-case basis, the United States may admit refugees “only so long as they determine that the admission of such individuals as refugees is in the national interest—including when the person is a religious minority in his country of nationality facing religious persecution.”

57. In a January 27, 2017, interview with the Christian Broadcasting Network, President Trump confirmed his intent to prioritize Christians in the Middle East for admission as refugees. A copy of the report of this interview is attached hereto as Exhibit G (David Brody: “As it relates to persecuted Christians, do you see them as kind of a priority here?” President Trump: “Yes.”).

**B. Ban on the Adjudication of Immigration Benefits Applications for Immigrants from the Seven Countries**

58. After the issuance of the EO, at least two department heads within USCIS sent internal communications barring any final action on any petition or benefits application involving citizens or nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

59. On January 28, 2017, Associate Director of Service Center Operations for USCIS, Donald Neufeld, issued instructions to Service Center directors and deputies in an email message directing the suspension of the “adjudication of all applications, petitions or requests involving citizens or nationals of the [seven] listed countries.” The email continues, “At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance.” Photographs of the internal email communication are attached hereto as Exhibit H.

60. In another email to staff from Daniel M. Renaud, Associate Director of Field Operations for USCIS, on January 28, 2017, Mr. Renaud stated, “Effectively [sic] immediately and until additional



guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.” Alice Speri and Ryan Devereaux, *Turmoil at DHS and State Department*, THE INTERCEPT, Jan. 30, 2017, available at <https://theintercept.com/2017/01/30/asylum-officials-and-state-department-in-turmoil-there-are-people-literally-crying-in-the-office-here/>. The email continued, “Offices are not permitted [to] make any final decision on affected cases to include approval, denial, withdrawal, or revocation. Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.” *Id.*; see also Michael D. Shear and Ron Nixon, *How Trump’s Rush to Enact an Immigration Ban Unleashed Global Chaos*, NEW YORK TIMES (Jan. 29, 2017), available at <https://www.nytimes.com/2017/01/29/us/politics/donald-trump-rush-immigration-order-chaos.html>.

61. On January 31, 2017, U.S. Customs and Border Protection, a subdivision of DHS, published a clarification on its website regarding whether the EO applies to people with pending naturalization applications. The site reported that the EO does not so apply and that “USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship consistent with prior practices.” *Protecting the Nation from Foreign Terrorist Entry into the United States*, CBP, <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>.

62. Referencing the hold on adjudications for people from the seven countries, a USCIS official told The Intercept, “We know what is coming. These cases will all be denied after significant waits.” Alice Speri and Ryan Devereaux, *Turmoil at DHS and State Department*, THE INTERCEPT, Jan. 30, 2017.

63. The application of the EO to immigration benefits applications for immigrants from the seven countries will effectuate the intent of the EO to target Muslims.

### C. “Extreme Vetting” of Muslim Immigrants

64. As described above, Section 4 of the EO orders the Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation to “implement a program, as part of the adjudication process for immigration benefits” to identify individuals “who are at risk of causing harm.” The EO calls for the implementation of a

1 “program [that] will include the development of a uniform screening standard and procedure,” including  
2 “a process to evaluate the applicant’s likelihood of becoming a positively contributing member of  
3 society and the applicant’s ability to make contributions to the national interest,” as well as “a  
4 mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after  
5 entering the United States.”

6 65. Upon information and belief, this “extreme vetting” program will dramatically expand CARRP,  
7 an existing program USCIS has implemented since April 2008.

8 66. CARRP is an agency-wide policy for identifying, processing, and adjudicating immigration  
9 applications that raise “national security concerns.” As described below, however, CARRP unlawfully  
10 imposes extra statutory rules and criteria to delay and deny applicants immigration benefits to which  
11 they are entitled.

12 67. Congress did not enact CARRP, and USCIS did not promulgate it as a proposed rule with the  
13 notice-and-comment procedures mandated by the APA. *See* 5 U.S.C. § 553(b)-(c).

14 68. Upon information and belief, prior to CARRP’s enactment, USCIS simply delayed the  
15 adjudication of many immigration applications that raised possible national security concerns, in part  
16 due to backlogs created by the FBI Name Check process (one of many security checks utilized by  
17 USCIS).

18 69. Indeed, the U.S. District Court for the Western District of Washington previously certified a  
19 district class of hundreds of naturalization applicants whose cases were delayed due to FBI Name  
20 Checks, *see Roshandel v. Chertoff*, 554 F. Supp. 2d 1194 (W.D. Wash. 2008), and denied the  
21 defendants’ motion to dismiss the suit, *see Roshandel*, 2008 WL 1969646 (W.D. Wash. May 5, 2008).  
22 The case resulted in a settlement in which the defendants agreed to adjudicate class member applications  
23 within a specified time period. *See Roshandel*, No. C07-1739MJP, Dkt. 81 (W.D. Wash. Aug. 25,  
24 2008).

25 70. Now, in lieu of delays based on the FBI Name Check process, USCIS delays applications by  
26 applying CARRP. Since CARRP’s inception, USCIS has not made information about CARRP available  
27 to the public, except in response to Freedom of Information Act (“FOIA”) requests and litigation to  
28 compel responses to those requests. *See ACLU of Southern California v. USCIS*, No. CV 13-861

(D.D.C. filed June 7, 2013). In fact, the program was unknown to the public, including applicants for immigration benefits, until it was discovered in litigation challenging an unlawful denial of naturalization in *Hamdi v. USCIS*, No. EDCV 10-894 VAP (DTBx), 2012 WL 632397 (C.D. Cal. Feb. 25, 2012), and then revealed in greater detail through the government's response to a FOIA request.

71. CARRP directs USCIS officers to screen citizenship and immigration benefits applications for national security concerns.

72. If a USCIS officer determines that an application presents a national security concern, he or she will take the application off a routine adjudication track and—without notifying the applicant—place it on a CARRP adjudication track where it is subject to distinct procedures, heightened scrutiny, and, most importantly, extra-statutory criteria that result in lengthy delays and prohibit approvals, except in limited circumstances, regardless of an applicant's statutory eligibility.

### 1. CARRP's Definition of a National Security Concern

73. According to the CARRP definition, a national security concern arises when an individual or organization has been determined to have an articulable link—no matter how attenuated or unsubstantiated—to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act. Those sections of the INA make inadmissible or removable any individual who, *inter alia*, “has engaged in terrorist activity” or is a member of a “terrorist organization.” 8 U.S.C. §§ 1182(a)(3) and 1227(a)(4).

74. For the reasons described herein, an individual need not be actually suspected of engaging in any unlawful activity or joining any proscribed organization to be branded a national security concern under CARRP.

75. CARRP distinguishes between two types of national security concerns: those ostensibly involving “Known or Suspected Terrorists” (“KSTs”), and those ostensibly involving “non-Known or Suspected Terrorists” (“non-KSTs”).

76. USCIS automatically considers an applicant a KST, and thus a national security concern, if his or her name appears in the Terrorist Screening Database, also referred to as the Terrorist Watchlist (“TSDB” or “Watchlist”). USCIS, therefore, applies CARRP to any applicant whose name appears in

1 the TSDB.

2 77. Upon information and belief, the TSDB includes approximately one million names, many of  
3 whom present no threat to the United States.

4 78. The government's Watchlisting Guidance sets a very low "reasonable suspicion" standard for  
5 placement on the Watchlist. Under the Guidance, concrete facts are not necessary to satisfy the  
6 reasonable suspicion standard, and uncorroborated information of questionable or even doubtful  
7 reliability can serve as the basis for blacklisting an individual. The Guidance further reveals that the  
8 government blacklists non-U.S. citizens, including LPRs, even where it cannot meet the already low  
9 reasonable suspicion standard of purported involvement with terrorist activity. The Guidance permits  
10 the watchlisting of noncitizens simply for being associated with someone else who has been watchlisted,  
11 even if there is no known involvement with that person's purportedly suspicious activity. The Guidance  
12 also states explicitly that noncitizens may be watchlisted based on information that is very limited or of  
13 suspected reliability. These extremely loose standards significantly increase the likelihood that the  
14 TSDB contains information on individuals who are neither known nor appropriately suspected terrorists.

15 79. Furthermore, the Terrorist Screening Center ("TSC"), which maintains the TSDB, has failed to  
16 ensure that individuals who do not meet the Watchlist's criteria are promptly removed from the TSDB  
17 (or not blacklisted in the first place). In 2013 alone, the watchlisting community nominated 468,749  
18 individuals to the TSDB, and the TSC rejected only approximately one percent of those nominations.  
19 Public reports also confirm that the government has nominated or retained people on government  
20 watchlists as a result of human error.

21 80. The federal government's official policy is to refuse to confirm or deny any given individual's  
22 inclusion in the TSDB or provide a meaningful opportunity to challenge that inclusion. Nevertheless,  
23 individuals can become aware of their inclusion due to air travel experiences. In particular, individuals  
24 may learn that they are on the "Selectee List" or the "Expanded Selectee List," subsets of the TSDB, if  
25 their boarding passes routinely display the code "SSSS" or they are routinely directed for additional  
26 screening before boarding a flight over U.S. airspace. They may also learn of their inclusion in the  
27 TSDB if U.S. federal agents regularly subject them to secondary inspection when they enter the United  
28 States from abroad. Such individuals are also often unable to check-in for flights online or at airline

1 electronic kiosks at the airport.

2 81. Where the KST designation does not apply, CARRP instructs officers to look for indicators of a  
3 non-Known or Suspected Terrorist (“non-KST”) concern.

4 82. These indicators fall into three categories: (1) statutory indicators; (2) non-statutory indicators;  
5 and (3) indicators contained in security check results.

6 83. Statutory indicators of a national security concern arise when an individual generally meets the  
7 definitions described in Sections 212(a)(3)(A), (B), and (F), and 237(a)(4)(A) and (B) of the INA  
8 (codified at 8 U.S.C. § 1182(a)(3)(A), (B), and (F) and § 1227(a)(4)(A) and (B)), which list the security  
9 and terrorism grounds of inadmissibility and removability.<sup>2</sup> However, CARRP expressly defines  
10 statutory indicators of a national security concern more broadly than the statute, stating that the facts of  
11 the case do not need to satisfy the legal standard used in determining admissibility or removability under  
12 those provisions of the INA to give rise to a non-KST national security concern.

13 84. For example, CARRP policy specifically directs USCIS officers to scrutinize evidence of  
14 charitable donations to organizations later designated as financiers of terrorism by the U.S. Treasury  
15 Department and to construe such donations as evidence of a national security concern, even if an  
16 individual had made such donations without any knowledge that the organization was engaged in  
17 proscribed activity. Such conduct would not make an applicant inadmissible for a visa, asylum, or LPR  
18 status under the statute, *see* 8 U.S.C. § 1182(a)(3)(B), nor does it have any bearing on a naturalization  
19 application.

20 85. Under CARRP, non-statutory indicators of a national security concern include travel through or  
21 residence in areas of known terrorist activity; a large scale transfer or receipt of funds; a person’s  
22 employment, training, or government affiliations; the identities of a person’s family members or close  
23 associates, such as a roommate, co-worker, employee, owner, partner, affiliate, or friend; or simply other  
24

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25 <sup>2</sup> These security and terrorism grounds of inadmissibility, if applicable, may bar an applicant from  
26 obtaining lawful permanent resident status, asylum, or a visa. However, they do not bar an applicant  
27 who is already a lawful permanent resident from naturalization, which is governed by the statutory  
28 provisions specific to naturalization. *See* 8 U.S.C. §§ 1421-1458. The security and terrorism provisions  
may also render a non-citizen removable, *see* 8 U.S.C. § 1227(a)(4), but the government has not charged  
Plaintiffs with removability under these provisions.

1 suspicious activities.

2 86. Finally, security check results are considered indicators of a national security concern in  
3 instances where, for example, the FBI Name Check produces a positive hit on an applicant's name and  
4 the applicant's name is associated with a national security-related investigatory file. Upon information  
5 and belief, this indicator leads USCIS to label applicants national security concerns solely because their  
6 names appear in a law enforcement or intelligence file, even if they were never the subject of an  
7 investigation. For example, an applicant's name could appear in a law enforcement file in connection  
8 with a national security investigation because he or she once gave a voluntary interview to an FBI agent,  
9 he or she attended a mosque that was the subject of FBI surveillance, or he or she knew or was  
10 associated with someone under investigation.

11 87. Upon information and belief, CARRP labels applicants national security concerns based on  
12 vague and overbroad criteria that often turn on national origin or innocuous and lawful activities or  
13 associations. These criteria are untethered from the statutory criteria that determine whether a person is  
14 eligible for the immigration status or benefit they seek, and are so general that they necessarily ensnare  
15 individuals who pose no threat to the security of the United States.

## 16 **2. Delay and Denial**

17 88. Once a USCIS officer identifies a CARRP-defined national security concern, the application is  
18 subjected to CARRP's rules and procedures that guide officers to deny such applications or, if an officer  
19 cannot find a basis to deny the application, to delay adjudication as long as possible.

### 20 **a) Deconfliction**

21 89. One such procedure is called "deconfliction," which requires USCIS to coordinate with—and,  
22 upon information and belief, subordinate its authority to—the law enforcement agency, often the FBI,  
23 that possesses information giving rise to the supposed national security concern.

24 90. During deconfliction, the relevant law enforcement agency has authority: to instruct USCIS to  
25 ask certain questions in an interview or to issue a Request for Evidence ("RFE"); to comment on a  
26 proposed decision on the benefit; and to request that USCIS deny, grant, or hold the application in  
27 abeyance for an indefinite period of time.

28 91. Upon information and belief, deconfliction allows law enforcement or intelligence agencies such

as the FBI to directly affect the adjudication of a requested immigration benefit, and also results in the agencies conducting independent interrogations of the applicant—or the applicant’s friends and family.

92. Upon information and belief, USCIS often makes decisions to deny immigration benefit applications because the FBI requests or recommends the denial, not because the person is statutorily ineligible for the benefit.

93. The FBI often seeks to use the pending immigration application to coerce the applicant to act as an informant or otherwise provide information.

b) Eligibility Assessment

94. In addition to deconfliction, once officers identify an applicant as a national security concern, CARRP directs officers to perform an “eligibility assessment” to determine whether the applicant is eligible for the benefit sought.

95. Upon information and belief, at this stage, CARRP instructs officers to look for any reason to deny an application so that time and resources are not expended to investigate the possible national security concern. Where no legitimate reason supports denial of an application subjected to CARRP, USCIS officers often utilize spurious or pretextual reasons to deny the application.

c) Internal Vetting

96. Upon information and belief, if, after performing the eligibility assessment, an officer cannot find a reason to deny an application, CARRP instructs officers to first “internally vet” the national security concern using information available in DHS systems and databases, open source information, review of the applicant’s file, RFEs, and interviews or site visits.

97. After conducting the eligibility assessment and internal vetting, USCIS officers are instructed to again conduct deconfliction to determine the position of any interested law enforcement agency.

d) External Vetting

98. If the national security concern remains and the officer cannot find a basis to deny the benefit, the application then proceeds to “external vetting.”

99. During external vetting, USCIS instructs officers to confirm the existence of the national security concern with the law enforcement or intelligence agency that possesses the information that created the concern and obtain additional information from that agency about the concern and its relevance to the

1 individual.

2 100. CARRP policy instructs USCIS officers to hold applications in abeyance for periods of 180 days  
3 to enable law enforcement agents and USCIS officers to investigate the national security concern.  
4 According to CARRP policy, the USCIS Field Office Director may extend the abeyance periods as long  
5 as the investigation remains open.

6 101. Upon information and belief, CARRP provides no outer limit on how long USCIS may hold a  
7 case in abeyance, even though the INA requires USCIS to adjudicate a naturalization application within  
8 120 days of examination, 8 C.F.R. § 335.3, and Congress has made clear its intent that USCIS  
9 adjudicate immigration applications, including visa petitions and accompanying applications for  
10 adjustment of status to lawful permanent residence, within 180 days of filing the application. 8 U.S.C. §  
11 1571(b).

12 e) Adjudication

13 102. When USCIS considers an applicant to be a KST national security concern, CARRP policy  
14 forbids USCIS adjudications officers from granting the requested benefit even if the applicant satisfies  
15 all statutory and regulatory criteria.

16 103. When USCIS considers an applicant to be a non-KST national security concern, CARRP policy  
17 forbids USCIS adjudications officers from granting the requested benefit in the absence of supervisory  
18 approval and concurrence from a senior level USCIS official.

19 104. In *Hamdi*, 2012 WL 632397, when asked whether USCIS's decision to brand naturalization  
20 applicant Tarek Hamdi as a national security concern affected whether he was eligible for naturalization,  
21 a USCIS officer testified that "it doesn't make him statutorily ineligible, but because he is a—he still has  
22 a national security concern, it affects whether or not we can approve him." The officer testified that,  
23 under CARRP, "until [the] national security concern [is] resolved, he won't get approved."

24 105. Upon information and belief, USCIS routinely delays adjudication of applications subject to  
25 CARRP when it cannot find a reason to deny the application. When an applicant files a mandamus  
26 action to compel USCIS to finally adjudicate his or her pending application, it often has the effect of  
27 forcing USCIS to deny a statutorily-eligible application on pretextual grounds because CARRP prevents  
28 agency field officers from granting an application involving a national security concern.



106. CARRP effectively creates two substantive regimes for immigration application processing and adjudication: one for those applications subject to heightened scrutiny and vetting under CARRP and one for all other applications. CARRP rules and procedures create substantive eligibility criteria that indefinitely delay adjudications and unlawfully deny immigration benefits to noncitizens who are statutorily eligible and entitled by law.

107. At no point during the CARRP process is the applicant made aware that he or she has been labeled a national security concern, nor is the applicant ever provided with an opportunity to respond to and contest the classification.

108. Upon information and belief, CARRP results in unauthorized adjudication delays, often lasting many years, and pre-textual denials of statutorily-eligible immigration applications.

#### **B. Facts Specific To Each Plaintiff**

##### **Abdiqafar Wagafe**

109. Plaintiff Abdiqafar Aden Wagafe is a thirty-two-year-old Somali national who currently resides in SeaTac, Washington.

110. Between 2001 and 2007, Mr. Wagafe lived in refugee camps and temporary refugee housing in Kenya and Ethiopia.

111. On May 24, 2007, he moved to the United States with nine family members and was admitted as a refugee. He has lived in the United States since then.

112. After arriving in the United States, Mr. Wagafe briefly stayed in Minneapolis, Minnesota with his brother. He then moved to Seattle, where his two sisters and another brother live.

113. All of the nine family members who moved to the United States with Mr. Wagafe have become U.S. citizens.

114. From July 2007 until February 2011, Mr. Wagafe worked for Delta Global Services until widespread layoffs left him without a job. Since February 2011, he has worked at a Somali restaurant, which he currently co-owns and manages.

115. On May 28, 2008, Mr. Wagafe filed an application for refugee adjustment of status to become an LPR.

116. USCIS granted his application on November 3, 2008, retroactively granting him LPR status as of

1 May 24, 2007, the date he was admitted to the U.S. as a refugee. *See* 8 C.F.R. § 209.1(e).

2 117. Mr. Wagafe filed his first application for naturalization on July 3, 2012. USCIS interviewed him  
3 on October 29, 2012, but he failed the English-language portion of the exam. USCIS interviewed Mr.  
4 Wagafe a second time on January 3, 2013, but he again failed the English writing portion of the exam.  
5 He also did not understand English sufficiently to comprehend the Oath of Allegiance. On these bases,  
6 USCIS denied his first application for naturalization on January 9, 2013.

7 118. Mr. Wagafe has since improved his English skills significantly.

8 119. Mr. Wagafe filed a second application for naturalization on November 8, 2013. USCIS  
9 scheduled his interview for February 25, 2014, but cancelled it on January 29, 2014 without explanation.

10 120. Mr. Wagafe has made various inquiries concerning his case to USCIS, but he has not received an  
11 explanation for the delay. USCIS last responded to his queries in July 2015, instructing his attorney to  
12 have patience and that the agency would let him know when the agency was ready to interview him. His  
13 subsequent inquiries have gone unanswered.

14 121. Mr. Wagafe has resided continuously in the United States for at least five years preceding the  
15 date of filing his application for naturalization, and has resided continuously within the United States  
16 from the date of filing his application until the present.

17 122. Mr. Wagafe has never been convicted of a crime.

18 123. There is no statutory basis for denying his naturalization application.

19 124. Mr. Wagafe is Muslim and regularly attends Mosque. He also frequently sends small amounts of  
20 money to his relatives in Somalia, Kenya, and Uganda. He has been married to a woman in Uganda  
21 since December 2015 and makes visits to see her. He has been unable to bring her to the United States  
22 because of the delays in his case.

23 125. Mr. Wagafe's immigration Alien file ("A-file") makes clear that USCIS subjected his pending  
24 application to CARRP. The A-file states that a CARRP officer handled his case. In addition, a  
25 document in the A-File shows that on December 8, 2013, there was a hit on Mr. Wagafe's name in the  
26 FBI Name Check and that the Name Check result contained "derogatory information." The document  
27 also states that Mr. Wagafe appears eligible for naturalization absent confirmation of national security  
28 issues. The document then states that the case is being forwarded for external vetting.

126. Upon information and belief, Mr. Wagafe's naturalization application is subject to CARRP or its successor "extreme vetting" program, which is causing the delay in adjudication of his naturalization application, despite the fact that he is statutorily entitled to naturalize.

127. Mr. Wagafe has suffered significant harm due to the delay in adjudication of his naturalization application. Although he is married to a Ugandan woman, he has been unable to bring her to live with him in the United States, because he must become a United States citizen in order for her to qualify as an immediate relative, *see generally* 8 U.S.C. § 1151, and thus avoid the waiting list for petitions filed by lawful permanent residents on behalf of their spouses. CARRP has also harmed his professional options and prevented him from voting in local and national elections.

### Mehdi Ostadhassan

128. Plaintiff Mehdi Ostadhassan is a thirty-three-year-old national of Iran. He resides in Grand Forks, North Dakota.

129. Mr. Ostadhassan moved to the United States in 2009 on a student visa and studied at the University of North Dakota. He earned his Ph.D. in Petroleum Engineering, and, after graduation, was immediately hired by the University of North Dakota as an Assistant Professor of Petroleum Engineering.

130. At the University of North Dakota, Mr. Ostadhassan met Bailey Bubach, a United States citizen. In January 2014, they were married in a small religious ceremony in California, and then obtained their marriage license in Grand Forks, North Dakota. Their first child was born in July 2016.

131. In February 2014, Ms. Bubach filed an immigrant visa petition (USCIS Form I-130) for Mr. Ostadhassan and he concurrently filed an application to adjust status (USCIS Form I-485) based upon his marriage.

132. Mr. Ostadhassan has never been convicted of a crime.

133. USCIS scheduled Mr. Ostadhassan for an interview on May 19, 2014, but when he appeared for the interview, USCIS informed him that it was cancelled.

134. USCIS rescheduled and conducted an interview almost a year and a half later, on September 24, 2015. At that interview, a USCIS officer told Mr. Ostadhassan that the agency still could not make a decision and that it needed to complete further background and security checks. To date, Mr.

1 Ostadhassan is still waiting for a decision from USCIS.

2 135. Mr. Ostadhassan and Ms. Bubach are Muslim and active participants in their religious  
3 community. Each year they donate to Muslim charities in accordance with the teachings of Islam. They  
4 are both involved in the Muslim Student Association at the University of North Dakota. In addition,  
5 they run a Muslim Sunday School. Mr. Ostadhassan also coordinates the Muslim Congress's Koran  
6 competition every year.

7 136. Upon information and belief, USCIS considers Mr. Ostadhassan a non-KST national security  
8 concern and is subjecting him to CARRP. USCIS may have subjected Mr. Ostadhassan's adjustment  
9 application to CARRP because he has resided in and traveled through what the government considers  
10 areas of known terrorist activity—namely, Iran—and because of his donations to Islamic charities and  
11 involvement in the Muslim community.

12 137. In October 2014, an FBI agent contacted Mr. Ostadhassan and asked to meet to discuss his recent  
13 trip to Iran to visit family. Mr. Ostadhassan declined to meet with the FBI, and his lawyer informed the  
14 agent that any further communications should go through the attorney. The FBI has not contacted Mr.  
15 Ostadhassan since.

16 138. Upon information and belief, the request for a visit by the FBI was a product of CARRP's  
17 deconfliction process. As Mr. Ostadhassan is a citizen of Iran, one of the seven countries listed in the  
18 EO, his application for adjustment of status is subject to the EO. Upon information and belief,  
19 adjudication of his application therefore has been suspended indefinitely.

20 139. Upon information and belief, Mr. Ostadhassan's application for adjustment of status is also  
21 subject to CARRP or its successor "extreme vetting" program, which is has delayed the adjudication of  
22 his application, despite the fact that he is statutorily eligible for adjustment of status.

23 140. Mr. Ostadhassan has been significantly harmed by the delay in adjudication of his adjustment of  
24 status application. Because of his temporary nonimmigrant status, and without an approved adjustment  
25 application, he cannot travel outside the United States. He recently was unable to travel to Iran to  
26 introduce his American wife and infant to his Iranian family; his wife and child traveled to Iran without  
27 him. He has also lost out on significant professional opportunities. He is a college professor, and his  
28 unapproved adjustment application has prevented him from attending conferences overseas. Due to the

1 delay, he and his wife feel that their lives and future in the United States are suspended in limbo, not  
 2 knowing whether they have a future in the United States.

### 3 CLASS ACTION ALLEGATIONS

4 141. Pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2), Plaintiffs bring this action on  
 5 behalf of themselves and all other similarly-situated individuals. Plaintiffs do not bring claims for  
 6 compensatory relief. Instead, Plaintiffs seek injunctive relief broadly applicable to members of the  
 7 Plaintiff Classes, as defined below. The requirements for Rule 23 are met with respect to the classes  
 8 defined below.

9 142. Plaintiffs seek to represent the following nationwide classes:

10 A **Muslim Ban Class** defined as:

11 A national class of all persons currently and in the future (1) who are in the United States,  
 12 (2) have or will have an application for an immigration benefit pending before USCIS  
 13 that is not a naturalization application, and (3) are a citizen or national of Syria, Iraq, Iran,  
 14 Yemen, Somalia, Sudan, or Libya.

15 An **Extreme Vetting Naturalization Class** defined as:

16 A national class of all persons currently and in the future (1) who have or will have an  
 17 application for naturalization pending before USCIS, (2) that is subject to CARRP or its  
 18 successor "extreme vetting" program, and (3) that has not been or will not be adjudicated  
 19 by USCIS within six months of having been filed.

20 An **Extreme Vetting Adjustment of Status Class** defined as:

21 A national class of all persons currently and in the future (1) who have or will have an  
 22 application for adjustment of status pending before USCIS, (2) that is subject to CARRP  
 23 or its successor "extreme vetting" program, and (3) that has not been or will not be  
 24 adjudicated by USCIS within six months of having been filed.

25 143. Plaintiff Ostadhassan is an adequate class representative of the Muslim Ban class. Plaintiff  
 26 Wagafe is an adequate representative of the Extreme Vetting Naturalization Class. Plaintiff Ostadhassan  
 27 is also an adequate representation of the Extreme Vetting Adjustment of Status Class.

28 144. The Proposed Classes are each so numerous that joinder of all members is impracticable.

145. Although Plaintiffs do not know the total number of people from the seven countries targeted in  
 the EO who have *pending* immigration benefits applications (excluding naturalization applications) at  
 any given time, publicly available USCIS data reveals that in 2015, there were 83,109 people from those  
 seven countries who were *granted* applications for lawful permanent residence, asylum, and refugee  
 admission.

146. Similarly, although Plaintiffs do not know the total number of people subject to CARRP or any successor “extreme vetting” program at any given time, USCIS data reveals that between Fiscal Year 2008 and Fiscal Year 2012, more than 19,000 people from twenty-one Muslim-majority countries or regions were subjected to CARRP. Upon information and belief, between 2008 and 2016, USCIS opened 41,805 CARRP cases.

147. This data includes individuals with pending naturalization and adjustment of status applications. For example, in March 2009, there were 1,437 adjustment of status (I-485) applications subject to CARRP that had been pending for at least six months and 1,065 naturalization (N-400) applications subject to CARRP that had been pending for at least six months.

148. The exact number of individuals subject to the EO, CARRP or any successor “extreme vetting” program at any given time fluctuates as applications are filed and USCIS applies these policies and practices to the applications. Moreover, members of the class reside in various locations across the country. For these and other reasons, joinder of the members of the Classes would create substantial challenges to the efficient administration of justice. Joinder is thus impracticable here.

149. In addition, there are questions of law and fact common to the members of the Classes. The Muslim Ban and Extreme Vetting Adjustment of Status Class are subject to Defendants’ unauthorized suspension of immigration benefits adjudications. All classes are subject to CARRP (or a successor “extreme vetting” program). Accordingly, common questions of law and fact include, but are not limited to, the following:

- Whether Defendants’ unauthorized suspension of immigration benefits adjudications under the EO violates Defendants’ duty to timely adjudicate immigration benefit applications authorized by the Immigration and Nationality Act;
- Whether Defendants’ unauthorized suspension of immigration benefits adjudications under the EO to Plaintiff Ostadhassan’s application violates the Establishment Clause of the First Amendment to the United States Constitution by not pursuing a course of neutrality with regard to different religious faiths;
- Whether Defendants’ unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor “extreme vetting” program) to Plaintiffs’ applications discriminates against Plaintiffs on the basis of their country of origin, and without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution.

- 1 • Whether Defendants' unauthorized suspension of immigration benefits adjudications under the  
2 EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs'  
3 applications is substantially motivated by animus toward—and has a disparate effect on—  
4 Muslims in violation of the equal protection component of the Due Process Clause of the Fifth  
5 Amendment to the United States Constitution;
- 6 • Whether Defendants' unauthorized suspension of immigration benefits adjudications under the  
7 EO and application of CARRP or a successor "extreme vetting" program to Plaintiffs'  
8 applications for immigration benefits, for which they are statutorily eligible and to which they  
9 are legally entitled, constitutes an arbitrary denial in violation of Plaintiffs' right to substantive  
10 due process under the Fifth Amendment to the United States Constitution;
- 11 • Whether Defendants' unauthorized suspension of immigration benefits adjudications under the  
12 EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs'  
13 applications violates the INA by creating additional, non-statutory, substantive criteria that must  
14 be met prior to a grant of a naturalization or adjustment of status application;
- 15 • Whether Defendants' unauthorized suspension of immigration benefits adjudications under the  
16 EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs'  
17 applications violates the APA, 5 U.S.C. § 706, as final agency action that is arbitrary and  
18 capricious, contrary to constitutional law, and in excess of statutory authority;
- 19 • Whether Defendants' the application of CARRP (or a successor "extreme vetting" program) to  
20 Plaintiffs' applications constitutes a substantive rule and, as a result, Defendants violated the  
21 APA, 5 U.S.C. § 553, when they promulgated CARRP without providing a notice-and-comment  
22 period prior to implementing it;
- 23 • Whether Defendants' failure to give Plaintiffs notice of their classification under CARRP (or a  
24 successor "extreme vetting" program), a meaningful explanation of the reason for such  
25 classification, and a process by which Plaintiffs can challenge their classification violates the  
26 Due Process Clause of the Fifth Amendment to the United States Constitution; and
- 27 • Whether Defendants' application of CARRP (or a successor "extreme vetting" program) to  
28 Plaintiff Wagafe's application violates the Uniform Rule of Naturalization, Article I, Section 8,  
Clause 4 of the United States Constitution by establishing criteria for naturalization not  
authorized by Congress.

150. The claims of the named Plaintiffs are typical of their respective Plaintiff Classes. Plaintiffs know of no conflict between their interests and those of the Plaintiff Classes they seek to represent. In defending their own rights, the named Plaintiffs will defend the rights of all proposed Plaintiff Class members fairly and adequately. The members of the Classes are readily ascertainable through notice and discovery.

151. Plaintiffs are represented by counsel with particular expertise in immigration and constitutional

1 law, and extensive experience in class action and other complex litigation.

2 152. Defendants have acted or refused to act on grounds generally applicable to each member of the  
 3 Plaintiff Classes by unlawfully applying the EO and/or CARRP (or its successor “extreme vetting”  
 4 program) to their immigration applications—thus applying additional non-statutory, substantive  
 5 requirements for naturalization and adjustment of status, and causing them to have suffered and continue  
 6 to suffer injury in the form of unreasonable delays and denials of their applications.

7 153. A class action is superior to other methods available for the fair and efficient adjudication of this  
 8 controversy because joinder of all members of the Classes is impracticable. Absent the relief they seek  
 9 here, there would be no other way for the Plaintiff Class members to individually redress the wrongs  
 10 they have suffered and will continue to suffer.

## 11 **CAUSES OF ACTION**

### 12 **FIRST CLAIM FOR RELIEF**

#### 13 **Immigration and Nationality Act and the Administrative Procedure Act**

#### 14 **(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)**

15 154. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

16 155. Section 212(f) of the Immigration and Nationality, 8 U.S.C. § 1182(f), is entitled “Suspension of  
 17 Entry or Imposition of Restrictions by President.” That provision authorizes the President to suspend  
 18 entries or impose restrictions on entries. That provision does not authorize the President to suspend  
 19 adjudication of immigration petitions, applications, or requests of any class of persons.

20 156. Defendants have interpreted the EO to authorize the suspension of immigration petitions,  
 21 applications, or requests involving Plaintiff Ostadhassan and members of the Muslim Ban Class.

22 157. Accordingly, Defendants have suspended adjudication of such immigration benefits petitions,  
 23 applications, or requests.

24 158. Defendants’ actions in suspending adjudications violates 8 U.S.C. § 1182(f) and is arbitrary,  
 25 capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional  
 26 right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short  
 27 of statutory right; and without observance of procedure required by law, in violation of the  
 28 Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).



**SECOND CLAIM FOR RELIEF**

**Mandamus (28 U.S.C. § 1361)**

**(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)**

159. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

160. Defendants have a duty to adjudicate all immigrant benefits petitions, applications or requests authorized by the Immigration and Nationality Act, implementing regulations, or other law.

161. The EO does not authorize the suspension of adjudication of immigration benefits petitions, applications, or requests.

162. Defendants have interpreted the EO to authorize the suspension of immigration benefit applications for petitions, applications, or requests involving Plaintiff Ostadhassan and members of the Muslim Ban Class.

163. Accordingly, Defendants have suspended adjudication of immigration benefits petitions, applications, or requests.

164. Defendants' refusal to adjudicate immigration benefits petitions, applications, or requests violates Defendants' statutory and constitutional duty to adjudicate these matters, and to do so in a nondiscriminatory manner.

**THIRD CLAIM FOR RELIEF**

**First Amendment (Establishment Clause)**

**(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)**

165. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

166. The EO was intended to target a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity, and it has that intended effect when applied to Plaintiffs and members of the Muslim Ban Class. Defendants' application of the EO to Plaintiffs and members of the Plaintiff Classes violates the Establishment Clause of the First Amendment to the United States Constitution by not pursuing a course of neutrality with regard to different religious faiths.

**FOURTH CLAIM FOR RELIEF**

**Fifth Amendment (Procedural Due Process)**

**(All Plaintiffs on behalf of themselves and the Plaintiff Classes)**

167. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

168. Defendants' failure to give Plaintiffs and members of the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes notice of their classification under CARRP (or successor "extreme vetting" program), a meaningful explanation of the reason for such classification, and any process by which Plaintiffs can challenge their classification, violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

169. The EO's directive to screen applicants for immigration benefits based on "the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest" also is void because it is unconstitutionally vague under the Due Process Clause of the Fifth Amendment to the United States Constitution.

170. Because of these violations of their constitutional rights, Plaintiffs and members of the Plaintiff Classes have suffered and continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

#### **FIFTH CLAIM FOR RELIEF**

##### **Fifth Amendment (Substantive Due Process)**

##### **(All Plaintiffs on behalf of themselves and the Plaintiff Classes)**

171. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

172. Defendants' unauthorized and indefinite suspension of the adjudication of Plaintiffs' and the Proposed Classes' applications for immigration benefits violates their right to substantive due process under the Fifth Amendment to the United States Constitution, because Plaintiffs cannot be denied immigration benefits for which they are statutorily eligible, and to which they are entitled by law, in an arbitrary manner.

#### **SIXTH CLAIM FOR RELIEF**

##### **Fifth Amendment (Equal Protection)**

##### **(All Plaintiffs on behalf of themselves and the Plaintiff Classes)**

173. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

174. Defendants' indefinite suspension of the adjudication of Plaintiffs' applications for immigration benefits on the basis of their country of origin, and without sufficient justification, violates the equal

1 protection component of the Due Process Clause of the Fifth Amendment.

2 175. Additionally, Defendants' indefinite suspension of the adjudication of Plaintiff Ostadhassan and  
3 the Muslim Ban Class applications for immigration benefits under the EO was substantially motivated  
4 by animus toward—and has a disparate effect on—Muslims, which also violates the equal protection  
5 component of the Due Process Clause of the Fifth Amendment.

6 176. Applying a general law in a fashion that discriminates on the basis of religion violates Plaintiffs'  
7 and the Plaintiff Classes' rights to equal protection under the Fifth Amendment Due Process Clause.

8 177. The EO is intended and will be applied primarily to exclude individuals on the basis of their  
9 national origin and religion. Further, the President has promised that preferential treatment will be given  
10 to Christians, unequivocally demonstrating the special preferences and discriminatory impact that the  
11 EO has upon Plaintiffs and the Proposed Classes.

12 178. Defendants have applied the EO with discriminatory animus and discriminatory intent in  
13 violation of the equal protection component of the Fifth Amendment.

#### 14 **SEVENTH CLAIM FOR RELIEF**

##### 15 **Immigration and Nationality Act and Implementing Regulations**

##### 16 **(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and**

##### 17 **Extreme Vetting Adjustment of Status Classes)**

18 179. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

19 180. To secure naturalization and adjustment of status, an applicant must satisfy certain statutorily-  
20 enumerated criteria.

21 181. By its terms, CARRP creates additional, non-statutory, substantive adjudicatory criteria.

22 182. Accordingly, CARRP violates 8 U.S.C. § 1427, 8 C.F.R. § 316.2, and 8 C.F.R. § 335.3, as those  
23 provisions set forth the exclusive applicable statutory and regulatory criteria for a grant of naturalization.

24 183. CARRP also violates 8 U.S.C. § 1255, 8 U.S.C. § 1159, 8 C.F.R. § 245.1, and 8 C.F.R. § 209.1,  
25 as those provisions set forth the applicable statutory and regulatory criteria for individuals present in the  
26 United States to adjust their status.

27 184. Because of these violations and/or because CARRP's additional, non-statutory, substantive  
28 criteria have been applied to their applications, Plaintiffs and Plaintiff Class members have suffered and

will continue to suffer injury in the form of unreasonable delays and unwarranted denials of their applications for naturalization and adjustment of status.

### **EIGHTH CLAIM FOR RELIEF**

#### **Administrative Procedure Act (5 U.S.C. § 706)**

#### **(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)**

185. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

186. CARRP constitutes final agency action that is arbitrary and capricious because it “neither focuses on nor relates to a [noncitizen’s] fitness to” obtain the immigration benefits subject to its terms. *Judulang v. Holder*, 132 S. Ct. 476, 485 (2011).

187. CARRP is also not in accordance with law, is contrary to constitutional rights, and is in excess of statutory authority because it violates the INA and exceeds USCIS’s statutory authority to implement (not create) the immigration laws, as alleged herein.

188. As a result of these violations, Plaintiffs and members of the Proposed Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes have suffered and continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

### **NINTH CLAIM FOR RELIEF**

#### **Administrative Procedure Act (Notice and Comment)**

#### **(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)**

189. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

190. The APA, 5 U.S.C. § 553, requires administrative agencies to provide a notice-and-comment period prior to implementing a substantive rule.

191. CARRP constitutes a substantive agency rule within the meaning of 5 U.S.C. § 551(4).

192. Defendants failed to provide a notice-and-comment period prior to the adoption of CARRP.

193. Because CARRP is a substantive rule promulgated without the notice-and-comment period, it violates 5 U.S.C. § 553 and is therefore invalid.

194. As a result of these violations, Plaintiffs and members of the Plaintiff Classes have suffered and

continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

### **TENTH CLAIM FOR RELIEF**

#### **“Uniform Rule of Naturalization”**

#### **(Plaintiff Abdiqafar Wagafe on behalf of himself and the Naturalization Class)**

195. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

196. Congress has the sole power to establish criteria for naturalization, and any additional requirements not enacted by Congress are ultra vires.

197. By its terms, CARRP creates additional, non-statutory, substantive criteria that must be met prior to a grant of a naturalization application.

198. Accordingly, CARRP violates Article I, Section 8, Clause 4 of the United States Constitution.

199. Because of this violation and because CARRP’s additional, non-statutory, substantive criteria have been applied to their applications, Plaintiff Wagafe and Naturalization Plaintiff Class members have suffered and will continue to suffer injury in the form of unreasonable delays and unwarranted denials of their naturalization applications.

200.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief:

1. Certify the case as a class action as proposed herein;
2. Appoint Plaintiff Ostadhassan a representative of the Muslim Ban Class;
3. Appoint Plaintiff Wagafe as representative of the Extreme Vetting Naturalization Class, and Plaintiff Ostadhassan as representative of the Extreme Vetting Adjustment of Status Class;
4. Order Defendants to adjudicate the petitions, applications or requests of Plaintiffs and members of the proposed classes;
5. Order Defendants to adjudicate Plaintiffs’ and proposed class members’ petitions, applications, or requests based solely on the statutory criteria;
6. Declare that Sections 3(c) and 4 of the Executive Order contrary to the Constitution and the INA;
7. Issue an order enjoining Defendants from applying Section 3(c) and 4 to Plaintiffs and members

of the proposed classes;

8. Declare that CARRP or any successor “extreme vetting” program violates the Constitution, the INA and the APA;

9. Enjoin Defendants, their subordinates, agents, employees, and all others acting in concert with them from applying CARRP or any successor “extreme vetting” program to the processing and adjudication of the immigration benefit petitions, applications, or requests of Plaintiffs and members of the proposed classes;

10. Order Defendants to rescind CARRP because they failed to follow the process for notice and comment by the public;

11. Alternatively, order Defendants to provide Plaintiffs and members of the proposed classes with notice that they have been subjected to CARRP or any successor “extreme vetting” program, the reasons for subjecting them to CARRP or any successor “extreme vetting” program, and a reasonable opportunity to respond to those allegations before a neutral decisionmaker;

12. Award Plaintiffs and other members of the proposed class reasonable attorneys’ fees and costs; and

13. Grant any other relief that this Court may deem fit and proper.

Respectfully submitted this 1st day of February, 2017.

By:

s/Matt Adams

s/Glenda M. Aldana Madrid

Matt Adams, WSBA No. 28287

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23 Kristin Macleod-Ball (admitted *pro hac vice*)

24 **National Immigration Project**

25 **of the National Lawyers Guild**

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s/Hugh Handeyside

Hugh Handeyside, WSBA No. 39792

Lee Gelernt (admitted *pro hac vice*)

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2 s/ Nicholas P. Gellert

3 s/ David A. Perez

4 s/ Kathryn Reddy

5 Harry H. Schneider, Jr. #9404

6 Nicholas P. Gellert #18041

7 David A. Perez #43959

8 Kathryn Reddy #42089

9 Attorneys for Plaintiffs

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16 NGellert@perkinscoie.com

17 DPerez@perkinscoie.com

18 KReddy@perkinscoie.com



## Gillispie, Anna E

---

**From:** Alfonso, Angelica M  
**Sent:** Friday, February 03, 2017 8:51 AM  
**To:** Renaud, Tracy L  
**Cc:** Young, Todd P; Walters, Jessica S  
**Subject:** RE: For today's call

The specifics and briefing papers for this call are forthcoming from DHS....

**From:** Renaud, Tracy L  
**Sent:** Friday, February 03, 2017 9:37 AM  
**To:** Alfonso, Angelica M  
**Cc:** Young, Todd P; Walters, Jessica S  
**Subject:** RE: For today's call

Very helpful. Thanks, Angie.

*Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security*

 (b)(6)

---

**From:** Alfonso, Angelica M  
**Sent:** Friday, February 03, 2017 9:31 AM  
**To:** Renaud, Tracy L  
**Cc:** Young, Todd P; Walters, Jessica S  
**Subject:** For today's call

Hi Tracy,

For your awareness and background, Joe Moore and team participated in a call with HAC/SAC on Monday (DHS cleared). The purpose of the call was to clarify sections of the INA. It, of course, strayed beyond that.

The staffers requested information on the number of circuit rides that were in progress, and had to be cancelled, when Friday's Executive Order was issued. They did not indicate whether they would be sending an official request for that information, but did ask us to provide what information we could. These same staffers will be on today's call and I expect it to come up.

Mary Margaret and Jennifer have pulled together the following:

RAD-

At the time the E.O. was signed

- RAD had one single circuit ride in progress in Vienna, Austria. This consisted of 1 single person.
- As the circuit ride interviews in Vienna consisted of religious minorities, the circuit ride was not canceled and is currently in progress.
- RAD canceled all other circuit rides scheduled to deploy on or before February 15. A total of 19 circuit rides (Middle East, Africa, Asia, and Latin America) were canceled.
- All circuit rides scheduled to deploy after February 15 are being reviewed in light of the E.O. There are 11 circuit rides under this review.

- RAD is now considering adding two additional adjudicators to the Vienna circuit ride.
- RAD is also planning toward staffing an upcoming circuit ride to Nauru (it was one that was originally canceled) as it falls within one of the E.O.'s stated exceptions as this location's processing is pursuant to an international agreement.

IO-

IO curtailed one circuit ride that had been taking place in Cape Town, South Africa. There were 4 members on the team.

Angelica Alfonso-Royals  
Chief, Office of Legislative Affairs  
U.S. Citizenship and Immigration Services



(b)(6)

## Gillispie, Anna E

---

**From:** Busch, Philip B  
**Sent:** Thursday, February 02, 2017 6:04 PM  
**To:** Walters, Jessica S; Farnam, Julie E; Young, Todd P  
**Cc:** Groom, Molly M; Walters, Jessica S  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Good to know, thank you. Phil

---

**From:** Walters, Jessica S  
**Sent:** Thursday, February 02, 2017 6:16:44 PM  
**To:** Busch, Philip B; Farnam, Julie E; Young, Todd P  
**Cc:** Groom, Molly M; Walters, Jessica S  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Hi Phil:

Lori/Tracy discussed this exact issue with the Department. Lori pointed out that people who leave with advance parole may not be able to return. The parole document includes language to that effect also so I think the person is on notice that he/she might not be able to come back.

Jess

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**Cc:** Groom, Molly M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

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However, the more I think about this one the more I think some further discussion is warranted on whether we should be doing this as a matter of policy since it would be taken as approval to return which it really wouldn't be.

Philip B. Busch  
Acting Deputy Chief Counsel  
Senior Legal Advisor  
Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
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do you all anticipate the guidance clearing tonight?

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**Cc:** Walters, Jessica S; Groom, Molly M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Some suggestions attached. Also FYI the latest version of the guidance. Thanks, Phil

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**Cc:** Walters, Jessica S; Busch, Philip B; Groom, Molly M  
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There's a missing letter in the answer to Q2. Also, the answer is mislabeled as A1:

A12. Yes. For individuals outside the country, USCIS will only process applications and petitions (including immigrant and nonimmigrant petitions) that do not confer an immigration benefit. Examples of applications and petitions that do not confer an immigration benefit include, but are not limited to, Form 130, Petition for Alien Relative; Form I-140, Immigrant Petition for Alien Worker; and Form I-129F, Petition for Alien Fiancé(e).

**Avi Arditti**  
Deputy Chief, Plain Language and Content Division | Office of Communications

[REDACTED] (b)(6)

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Molly, per our discussion...

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**Cc:** Walters, Jessica S  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Many thanks, Todd. Clean version with your edits.

**Avi Arditti**  
Deputy Chief, Plain Language and Content Division | Office of Communications

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Thanks,  
Todd

## Gillispie, Anna E

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Thank you for the clarification.

---

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**Sent:** Thursday, February 02, 2017 6:19:31 PM  
**To:** Busch, Philip B; Farnam, Julie E; Young, Todd P  
**Cc:** Groom, Molly M; Walters, Jessica S  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Yes, they also agree with Phil that AP for the 7 countries is ok if it is a person applying in the US.

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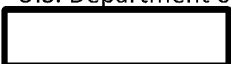
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**Avi Arditti**

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**Cc:** Walters, Jessica S; Busch, Philip B; Groom, Molly M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

There's a missing letter in the answer to Q2. Also, the answer is mislabeled as A1:

A42. Yes. For individuals outside the country, USCIS will only process applications and petitions (including immigrant and nonimmigrant petitions) that do not confer an immigration benefit. Examples of applications and petitions that do not confer an immigration benefit include, but are not limited to, Form 130, Petition for Alien Relative; Form I-140, Immigrant Petition for Alien Worker; and Form I-129F, Petition for Alien Fiancé(e).

**Avi Arditti**

Deputy Chief, Plain Language and Content Division | *Office of Communications*



(b)(6)

---

**From:** Alfonso, Angelica M  
**Sent:** Thursday, February 02, 2017 2:08 PM  
**To:** Arditti, Avi; Young, Todd P  
**Cc:** Walters, Jessica S; Busch, Philip B; Groom, Molly M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Thanks, Avi!  
Molly, per our discussion...

---

**From:** Arditti, Avi  
**Sent:** Thursday, February 02, 2017 2:07 PM  
**To:** Young, Todd P; Alfonso, Angelica M  
**Cc:** Walters, Jessica S  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Many thanks, Todd. Clean version with your edits.

**Avi Arditti**

**Deputy Chief, Plain Language and Content Division | Office of Communications**

**(b)(6)**

**From:** Young, Todd P

**Sent:** Thursday, February 02, 2017 1:50 PM

**To:** Arditti, Avi; Alfonso, Angelica M

**Cc:** Walters, Jessica S

**Subject:** RE: USCIS Guidance on 1/27 executive order

Hi – Here are my initial comments that will likely need to be revisited once we have a final guidance document. I included clarification within the attachment addressing Avi's Q below.

Thanks,  
Todd



**Gillispie, Anna E**

---

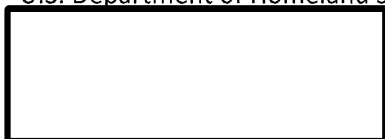
**From:** Busch, Philip B  
**Sent:** Thursday, February 02, 2017 8:46 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M  
**Cc:** Alfonso, Angelica M; Farnam, Julie E; Swanson, Toni; Young, Todd P; Walters, Jessica S  
**Subject:** RE: USCIS Guidance on 1/27 executive order

(b)(5)

How about changing the relevant part of #1 to this:



Philip B. Busch  
Acting Deputy Chief Counsel  
Senior Legal Advisor  
Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security



(b)(5)

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---

**From:** Scialabba, Lori L  
**Sent:** Thursday, February 02, 2017 9:40 AM  
**To:** Busch, Philip B; Renaud, Tracy L; Groom, Molly M  
**Cc:** Alfonso, Angelica M; Farnam, Julie E; Swanson, Toni; Young, Todd P; Walters, Jessica S  
**Subject:** RE: USCIS Guidance on 1/27 executive order

I can do that since the WH has said the EO does not apply to LPRs. But since that's been made public I think it can go into the memo without going back to DHS.

---

**From:** Busch, Philip B  
**Sent:** Thursday, February 02, 2017 9:32:58 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M  
**Cc:** Alfonso, Angelica M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

On the second point, that is what this guidance provides.

On the first one, if you want more clarity based on the evolving guidance we have been getting about LPRs in this document, that can be done, but I think it would need to go through DHS clearance again. Perhaps it is more efficient to clarify that particular point with RAIO than revise the guidance to all employees again.

Phil

Philip B. Busch  
Acting Deputy Chief Counsel  
Senior Legal Advisor  
Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security

 (b)(6)

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---

**From:** Scialabba, Lori L  
**Sent:** Thursday, February 02, 2017 9:23 AM  
**To:** Renaud, Tracy L; Groom, Molly M; Busch, Philip B  
**Cc:** Alfonso, Angelica M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

I was specifically told we can issue a boarding letter to an LPR and WH clarified this doesn't apply to LPRs.

I was also told we could issue refugee travel document to anyone in the U.S. As well as an I-730.

---

**From:** Renaud, Tracy L  
**Sent:** Thursday, February 02, 2017 8:28:29 AM  
**To:** Groom, Molly M; Scialabba, Lori L; Busch, Philip B  
**Cc:** Alfonso, Angelica M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

So how do we know when/if they get a waiver so that we then issue the boarding letter/parole?

Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security

 (b)(6)

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**From:** Groom, Molly M  
**Sent:** Thursday, February 02, 2017 8:07:02 AM

**To:** Renaud, Tracy L; Scialabba, Lori L; Busch, Philip B  
**Cc:** Alfonso, Angelica M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

It's saying what is barred so those adjudications are barred but the individual could get a waiver so I think it is fine.

---

**From:** Renaud, Tracy L  
**Sent:** Thursday, February 02, 2017 7:43:52 AM  
**To:** Groom, Molly M; Scialabba, Lori L; Busch, Philip B  
**Cc:** Alfonso, Angelica M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Molly - What does the edit to bullet number one where OGC changed "benefit" to "travel authorization" do to the RAIO processing of travel letters and/or humanitarian parole?

Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security



(b)(6)

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**From:** Groom, Molly M  
**Sent:** Thursday, February 02, 2017 12:11:26 AM  
**To:** Scialabba, Lori L; Busch, Philip B  
**Cc:** Renaud, Tracy L; Alfonso, Angelica M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

OGC has just asked that we discuss any changes that concern you and that they feel some of the edits are necessary. Please let me know if you want to discuss any of them. Molly

---

**From:** Groom, Molly M  
**Sent:** Thursday, February 02, 2017 12:07:30 AM  
**To:** Scialabba, Lori L; Busch, Philip B  
**Cc:** Renaud, Tracy L; Alfonso, Angelica M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Lori, we discussed some changes with OGC later which are attached. Please consider them before you issue. We agree that issuing these instructions are the highest priority for the agency. Thanks.

---

**From:** Scialabba, Lori L  
**Sent:** Wednesday, February 01, 2017 11:19:50 PM  
**To:** Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen  
**Cc:** Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Thank you Gene. Have a good evening.

Lori

---

**From:** Hamilton, Gene  
**Sent:** Wednesday, February 01, 2017 10:41:34 PM  
**To:** Scialabba, Lori L; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen  
**Cc:** Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M  
**Subject:** RE: USCIS Guidance on 1/27 executive order

Thanks, Lori. This is good to go.

---

**From:** Scialabba, Lori L  
**Sent:** Tuesday, January 31, 2017 3:55:57 PM  
**To:** Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen  
**Cc:** Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M  
**Subject:** FW: USCIS Guidance on 1/27 executive order

Please see the attached guidance that I would like to send to USCIS staff. It does not answer all questions but it will address the vast majority. Please let me know if you'd like to discuss. OCC and our politicals have reviewed.

I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

I know everyone is very busy but if I can get a clearance on the attached memo we'll be out in front of what may be the next round of questions regarding the EO that was signed on Friday.

Regards,  
Lori

---

**From:** Walters, Jessica S  
**Sent:** Tuesday, January 31, 2017 3:36 PM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Young, Todd P; Farnam, Julie E; Walters, Jessica S  
**Subject:** USCIS Guidance on 1/27 executive order

Lori and Tracy:

Please see the proposed USCIS guidance on implementation of the 1/27 executive order. It's been reviewed by OCC (Molly/Phil) and Craig/Carl.

Thanks,

Jess

Jessica S. Walters  
Senior Advisor| Office of the Director and Deputy Director  
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|



(b)(6)

## Gillispie, Anna E

---

**From:** Young, Todd P  
**Sent:** Tuesday, January 31, 2017 8:04 AM  
**To:** Walters, Jessica S  
**Subject:** FW: Application processing statement

**Importance:** High

What do you think of my edits? Going to send this one to Tracy, Lori, and our political points for review as well.

---

**From:** Carter, Jeffrey T (Jeff)  
**Sent:** Monday, January 30, 2017 8:50 PM  
**To:** Young, Todd P  
**Cc:** Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Doline L; Gwathmey, Carolyn S (CeCe)  
**Subject:** Application processing statement  
**Importance:** High

Todd:

OCOMM received inquiries from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. The following statement, which has been developed with FOD, addresses the question:

"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision for certain classes of foreign nationals specified in the President's executive order. [REDACTED]

(b)(5)

I will send to OPA for clearance with your approval.

Thanks,

Jeff

Jeff Carter  
Acting Deputy Chief, Office of Communications  
U.S. Citizenship and Immigration Services

(b)(5)

Please visit [www.uscis.gov](http://www.uscis.gov) for news and information.

## Gillispie, Anna E

---

**From:** Young, Todd P  
**Sent:** Tuesday, January 31, 2017 8:19 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S  
**Subject:** FW: Application processing statement

**Importance:** High

Lori and Tracy,

We received an inquiry from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. Below is the original response language developed by FOD addressing the issue along with my recommended edits. Let me know if you're comfortable with sending the revised statement along to OPA for clearance.

---Original Version---

"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision. USCIS believes this temporary pause in issuing final decisions will not result in noticeable delays for applicants and petitioners."

---Proposed Revisions---

"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision for certain classes of foreign nationals specified in the President's executive order. [REDACTED]

(b)(5)

---

**From:** Carter, Jeffrey T (Jeff)  
**Sent:** Monday, January 30, 2017 8:50 PM  
**To:** Young, Todd P  
**Cc:** Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Doline L; Gwathmey, Carolyn S (CeCe)  
**Subject:** Application processing statement  
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I will send to OPA for clearance with your approval.

Thanks,

Jeff

Jeff Carter  
Acting Deputy Chief, Office of Communications  
U.S. Citizenship and Immigration Services



(b)(6)

Please visit [www.uscis.gov](http://www.uscis.gov) for news and information.



## Gillispie, Anna E

---

**From:** Renaud, Tracy L  
**Sent:** Tuesday, January 31, 2017 8:27 AM  
**To:** Young, Todd P; Scialabba, Lori L  
**Cc:** Walters, Jessica S  
**Subject:** RE: Application processing statement

Todd – How much of a hurry are they in? Lori is pushing DHS to get clearance to message out business as usual and it would be good if we could hold this a few hours so we can indicate that we had a short-term hold on final decisions which has since been lifted and we are back to processing as usual.

*Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security*

[REDACTED] (b)(6)

**From:** Young, Todd P  
**Sent:** Tuesday, January 31, 2017 9:19 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S  
**Subject:** FW: Application processing statement  
**Importance:** High

Lori and Tracy,

We received an inquiry from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. Below is the original response language developed by FOD addressing the issue along with my recommended edits. Let me know if you're comfortable with sending the revised statement along to OPA for clearance.

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---Proposed Revisions---

"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision for certain classes of foreign nationals specified in the President's executive order [REDACTED]"

(b)(5)

**From:** Carter, Jeffrey T (Jeff)  
**Sent:** Monday, January 30, 2017 8:50 PM  
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**Cc:** Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Dolline L; Gwathmey, Carolyn S (CeCe)

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Thanks,

Jeff

Jeff Carter  
Acting Deputy Chief, Office of Communications  
U.S. Citizenship and Immigration Services



(b)(6)

Please visit [www.uscis.gov](http://www.uscis.gov) for news and information.

**Gillispie, Anna E**

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**From:** Young, Todd P  
**Sent:** Tuesday, January 31, 2017 8:53 AM  
**To:** Renaud, Tracy L; Scialabba, Lori L  
**Cc:** Walters, Jessica S  
**Subject:** RE: Application processing statement

We can put this on the back burner for a bit. It's important that we get these statements right, including the most recent guidance.

**From:** Renaud, Tracy L  
**Sent:** Tuesday, January 31, 2017 9:27 AM  
**To:** Young, Todd P; Scialabba, Lori L  
**Cc:** Walters, Jessica S  
**Subject:** RE: Application processing statement

Todd – How much of a hurry are they in? Lori is pushing DHS to get clearance to message out business as usual and it would be good if we could hold this a few hours so we can indicate that we had a short-term hold on final decisions which has since been lifted and we are back to processing as usual.

*Tracy L. Renaud  
Acting Deputy Director  
US Citizenship & Immigration Services  
Department of Homeland Security*

[REDACTED]  
(b)(6)

**From:** Young, Todd P  
**Sent:** Tuesday, January 31, 2017 9:19 AM  
**To:** Scialabba, Lori L; Renaud, Tracy L  
**Cc:** Walters, Jessica S  
**Subject:** FW: Application processing statement  
**Importance:** High

Lori and Tracy,

We received an inquiry from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. Below is the original response language developed by FOD addressing the issue along with my recommended edits. Let me know if you're comfortable with sending the revised statement along to OPA for clearance.

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---Proposed Revisions---

"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision for certain classes of foreign nationals specified in the President's executive order. [REDACTED]"

**From:** Carter, Jeffrey T (Jeff)

**Sent:** Monday, January 30, 2017 8:50 PM

**To:** Young, Todd P

**Cc:** Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Doline L; Gwathmey, Carolyn S (CeCe)

**Subject:** Application processing statement

**Importance:** High

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"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision. USCIS believes this temporary pause in issuing final decisions will not result in noticeable delays for applicants and petitioners."

I will send to OPA for clearance with your approval.

Thanks,

Jeff

Jeff Carter

Acting Deputy Chief, Office of Communications

U.S. Citizenship and Immigration Services



(b)(6)

Please visit [www.uscis.gov](http://www.uscis.gov) for news and information.

## Gillispie, Anna E

---

**From:** Bardini, Emilia M  
**Sent:** Sunday, January 29, 2017 5:56 PM  
**To:** Lafferty, John L; RAIO - Asylum Field Office Managers  
**Cc:** Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N; Ho, Cheri L  
**Subject:** RE: Follow-up questions needing response ASAP

We're at the office, and we've not received anything from CPB.

Emilia

Emilia M. Bardini  
Director,  
San Francisco Asylum Office  
Refugee, Asylum and International Operations  
USCIS

---

**From:** Lafferty, John L  
**Sent:** Sunday, January 29, 2017 10:10 AM  
**To:** RAIO - Asylum Field Office Managers  
**Cc:** Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N  
**Subject:** Follow-up questions needing response ASAP

Everyone,

I need answer to 2 questions:

1. Have you or someone from you office been contacted by any attorneys representing people who have arrived or are expected to arrive at airports in the coming days who are requesting CF interviews for their clients?
2. Has your office received any CF referral documents from ICE or CBP related to people stopped from entry in the aftermath of Friday's EO?

Thanks!!

---

**From:** Lafferty, John L  
**Sent:** Sunday, January 29, 2017 12:10:54 PM  
**To:** RAIO - Asylum Field Office Managers  
**Cc:** Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N  
**Subject:** FW: RAIO's most time sensitive issues for Executive Order Implementation

Everyone,

As of the moment, the instructions I sent out yesterday stay in place until we get further instruction from agency/departments leadership. As you can see from the below chain, Joanna has notified leadership of our present instructions and is seeking further guidance.

Given what is happening at the airports, I understand that some additional guidance is needed on CF/RF processing. CF/RF screenings should continue for anyone who is placed into ER and is referred to us after making a fear claim, or anyone subject to reinstatement or admin removal order who is referred to us after making a fear claim. We confer no benefit in the screening process, so our work in these areas should continue unless/until we are instructed otherwise.

Please feel free to continue to submit any questions that you may have.

John

---

**From:** Ruppel, Joanna  
**Sent:** Saturday, January 28, 2017 8:42:27 PM  
**To:** Walters, Jessica S  
**Cc:** Strack, Barbara L; Stone, Mary M; Lafferty, John L; Kim, Ted H; Nicholson, Maura J; Scialabba, Lori L; Renaud, Tracy L  
**Subject:** RAIO's most time sensitive issues for Executive Order Implementation

Jessica,

Attached please find a preliminary list of implementation issues for RAIO. These are ones that are most time sensitive, in that we need to get guidance out to the field as soon as possible – by Sunday evening, if possible.

This does not include the most urgent issue regarding the list of individuals State is requesting to exempt so they can travel, which is being worked separately.

Let me know if you have questions. Also including content in the message in case that is helpful for those on phones.

Thanks,

Joanna

#### RAIO Time Sensitive Questions on the Executive Order

#### **Refugee Processing – what can continue?**

#### **For reference - current circuit rides:**

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
  - a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
  - b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
  - a. 95% nationality is Burmese – religious minority Rohingya population
  - b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
  - a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
  - b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

**Urgent time-sensitive questions (need answers by Sunday evening, if possible):**

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.
3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.
4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

**Less Urgent:**

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

**Asylum Processing:**

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?
  - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
  - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

**Refugee Travel Documents:**

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

**TRIG:**

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

**I-730's Processed Abroad:**

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?



## Gillispie, Anna E

---

**From:** Ruppel, Joanna  
**Sent:** Sunday, January 29, 2017 10:54 AM  
**To:** Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S  
**Cc:** Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J  
**Subject:** RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel  
Acting Associate Director  
USCIS Refugee, Asylum and International Operations

 (b)(6)

---

**From:** Neufeld, Donald W  
**Sent:** Sunday, January 29, 2017 11:52 AM  
**To:** Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S  
**Cc:** Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S  
**Subject:** RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

---

**From:** Renaud, Daniel M  
**Sent:** Sunday, January 29, 2017 11:40:01 AM  
**To:** Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S  
**Cc:** Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S  
**Subject:** RE: Executive Order


As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

**From:** Levine, Laurence D  
**Sent:** Sunday, January 29, 2017 11:24:57 AM  
**To:** Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M  
**Cc:** Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S  
**Subject:** RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

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Larry Levine  
Acting Chief  
Office of Policy & Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  


(b)(6)

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**From:** Groom, Molly M  
**Sent:** Saturday, January 28, 2017 9:21:08 PM  
**To:** Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M  
**Cc:** Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S  
**Subject:** RE: Executive Order

Trying to get best information.

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**From:** Levine, Laurence D  
**Sent:** Saturday, January 28, 2017 9:20:37 PM  
**To:** Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M  
**Cc:** Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S  
**Subject:** RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

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Larry Levine  
Acting Chief  
Office of Policy & Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  


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**From:** Levine, Laurence D  
**Sent:** Saturday, January 28, 2017 9:08:36 PM

**To:** Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M  
**Cc:** Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S  
**Subject:** RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

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Larry Levine  
Acting Chief  
Office of Policy & Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

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**From:** Neufeld, Donald W  
**Sent:** Saturday, January 28, 2017 12:54:08 PM  
**To:** Walters, Jessica S; Renaud, Daniel M  
**Cc:** Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S  
**Subject:** RE: Executive Order

Yes, thanks. I've shared with my folks too.

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**From:** Walters, Jessica S  
**Sent:** Saturday, January 28, 2017 12:41:04 PM  
**To:** Renaud, Daniel M  
**Cc:** Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S  
**Subject:** RE: Executive Order

Thanks very much.

Jessica S. Walters  
Senior Advisor  
Office of the USCIS Deputy Director  
U.S. Citizenship and Immigration Services

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**From:** Renaud, Daniel M  
**Sent:** Saturday, January 28, 2017 11:34:16 AM  
**To:** Walters, Jessica S  
**Cc:** Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M  
**Subject:** FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find it useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud  
Associate Director | Field Operations Directorate  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

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From: Slattery, Shannon E  
Sent: Saturday, January 28, 2017 12:16:07 PM  
To: Valverde, Michael; Renaud, Daniel M  
Cc: Farnam, Julie E; Kvortek, Lisette E  
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery  
Field Operations Directorate | U.S. Citizenship and Immigration Services

[Redacted]

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From: Valverde, Michael  
Sent: Saturday, January 28, 2017 11:42 AM  
To: Renaud, Daniel M; Kvortek, Lisette E  
Cc: Farnam, Julie E; Slattery, Shannon E  
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the "plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde  
DHS USCIS  
Field Operations Directorate, Deputy Associate Director

[Redacted]

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From: Renaud, Daniel M  
Sent: Saturday, January 28, 2017 11:34:15 AM  
To: Kvortek, Lisette E

Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E

Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud

Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services

Department of Homeland Security

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From: Renaud, Tracy L

Sent: Saturday, January 28, 2017 11:21:12 AM

To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S

Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud

Acting Deputy Director

US Citizenship & Immigration Services

Department of Homeland Security

 (b)(6)

From: Ruppel, Joanna

Sent: Saturday, January 28, 2017 9:54 AM

To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R

Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel

Chief, International Operations Division

U.S. Citizenship and Immigration Services

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From: Neufeld, Donald W

Sent: Friday, January 27, 2017 5:34:17 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

---

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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From: Neufeld, Donald W

Sent: Friday, January 27, 2017 8:00 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

---

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:56:01 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; McCament, James W

Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

---

From: Scialabba, Lori L

Sent: Friday, January 27, 2017 7:31:26 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L

Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

---

From: Neufeld, Donald W

Sent: Friday, January 27, 2017 7:26 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L

Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

---

From: Scialabba, Lori L  
Sent: Friday, January 27, 2017 5:59:36 PM  
To: Renaud, Daniel M; Higgins, Jennifer  
Cc: Renaud, Tracy L; Neufeld, Donald W  
Subject: RE: Executive Order  
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M  
Sent: Friday, January 27, 2017 5:47 PM  
To: Scialabba, Lori L; Higgins, Jennifer  
Cc: Renaud, Tracy L; Neufeld, Donald W  
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud  
Associate Director, Field Operations Directorate  
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L  
Sent: Friday, January 27, 2017 12:43 PM  
To: Higgins, Jennifer  
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M  
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J  
Sent: Friday, January 27, 2017 12:37 PM  
To: Renaud, Tracy L  
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L  
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person

(b)(5)

We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson  
Acting Deputy Associate Director  
Fraud Detection and National Security Directorate  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
111 Massachusetts Avenue, NW  
Washington, DC 20529



(b)(6)



## Gillispie, Anna E

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**From:** Davidson, Andrew J  
**Sent:** Thursday, January 26, 2017 1:50 PM  
**To:** Renaud, Tracy L  
**Cc:** Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L; Walters, Jessica S  
**Subject:** RE: Designated Countries of Concerns

Including Lori and Jess

Andrew Davidson  
Acting Deputy Associate Director  
Fraud Detection and National Security Directorate  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
111 Massachusetts Avenue, NW  
Washington, DC 20529

(b)(6)

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**From:** Davidson, Andrew J  
**Sent:** Thursday, January 26, 2017 2:43 PM  
**To:** Renaud, Tracy L  
**Cc:** Neufeld, Donald W; Renaud, Daniel M  
**Subject:** Designated Countries of Concerns

Tracy,

We will need official confirmation from the Department but here are the three major lists of the designated countries of concerns. One lists the consensus countries of state sponsored terrorism and the other two are maintained by DOS for the SAO process and CBP for ESTA. I am pretty sure this will be close to the inclusive list. In reading the Executive Order we should confirm with the Department as soon as possible if the 30 day suspension of immigrants and non-immigrants from these countries extends to those adjusting status.

Andrew Davidson  
Acting Deputy Associate Director  
Fraud Detection and National Security Directorate  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
111 Massachusetts Avenue, NW  
Washington, DC 20529

(b)(6)

State sponsor of terrorism (<https://www.state.gov/j/ct/list/c14151.htm>):

- Iran
- Sudan
- Syria

SAO:

- Cuba
- Egypt
- Iran
- Iraq
- Libya
- North Korea
- Somalia
- Sudan
- Republic of South Sudan
- Syria
- Yemen
- Mali

CBP list for ESTA limitations/restrictions (<https://www.cbp.gov/travel/international-visitors/visa-waiver-program/visa-waiver-program-improvement-and-terrorist-travel-prevention-act-faq>):

- Iraq
- Syria
- Sudan
- Libya
- Somalia
- Yemen